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BACK *to the* REPUBLIC

THE GOLDEN MEAN
THE STANDARD FORM OF GOVERNMENT

BY HARRY F. ATWOOD

Back to the Republic

A Study in Forms of Government
Demonstrating the truth of the following
proposition:

Failures: { Autocracy—One extreme.
Democracy—The other extreme.

Success: { *Republic*— { The *golden mean*.
The *standard form*.

Oct 1904

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Back to the Republic

*The Golden Mean: the Standard Form
of Government*

By HARRY F. ^{Miller}ATWOOD

Can the world be made "safe for democracy"?

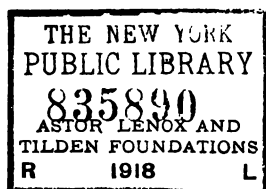


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By

HARRY F. ATWOOD

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**Gratefully dedicated to the memory of the Founders
of the Republic of the United States
of America, who established the Golden
Mean and evolved the Standard Form
of Government.**

.. June 4/18.



PREFACE

THE three words uppermost in the minds of the people throughout all the world to-day are "autocracy," "democracy" and "*republic*."

What do you mean when you use the word "autocracy"?

What do you mean when you use the word "democracy"?

What do you mean when you use the word "*republic*"?

Write down your own definitions of those three words, stop the first hundred people you meet and ask each of them the above three questions. Compile their replies, and you will have a compilation that would win a prize in a museum of curiosities.

If you should journey to the national capital and, beginning with the President, ask the hundred men who are most prominently identified with the national government those same three questions, you would have material for a scrap-book the reading of which would be confusing to the mind.

If you should visit the State capitals, and, beginning with the Governor, ask the hundred men most prominently identified with the State government in each commonwealth these same three questions, and have their replies compiled, you would have a volume of interesting contradictions.

If you should go still farther and visit the capitals of all the Allied countries, of the Central Powers and of the so-called neutral countries, and ask the hundred men most prominently identified with the government of each country those same three questions, and have their replies compiled, you would have several volumes of exceedingly interesting contradictions.

If you were disposed to gratify your curiosity still further and should turn to the various dictionaries, encyclopedias, magazines, newspapers, and countless volumes on political science and government, and make a collection in book form of the various definitions that have been given and the uses that have been made of the words "autocracy," "democracy" and "*republic*," you would have compiled the greatest curio of them all.

The purpose of this book is:

(1) To make clear the meaning of the words "autocracy," "democracy" and "*republic*;"

(2) To encourage a more accurate use of governmental terms, and

(3) To urge the importance of avoiding the dangers of the extremes of both autocracy and democracy, and the vital need of adhering strictly and literally to the fundamentals of the *republic*, which is the *golden mean* between autocracy and democracy.



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Back to the Republic

CHAPTER I

THE TREND OF GOVERNMENT

THE trend of government may be presented in graphic form as follows:

From earliest times to 1788 A.D.

Experimental failures.

From 1788 to 1900 A.D.

Progress.

From 1900 to 1918 A.D.

Retrogressive tendencies.

During the thousands of years prior to 1788 A.D. the pendulum of government was swinging back and forth from one extreme to the other: from the mob leader to the mob; from the mob to the monarch; from the monarch to democracy; from democracy to the demagogue;

from the demagogue to mobocracy; from mobocracy to autocracy; from feudalism to communism; from bondage to license.

Tyranny, conquest, militarism, lawlessness, mobmindedness, riot, persecution, oppression, rebellion—these are the words that describe the long-continued panorama of unsuccessful efforts and experimental failures in government for approximately seven thousand years.

Now and then a ray of light and hope appeared in Greece, Rome, Holland, Switzerland, England and elsewhere, but during all that period of time no government was devised that could secure for its people any one of the great fundamental privileges for which government is primarily organized.

In all those thousands of years there was no government that secured for its people religious freedom, or civil liberty, or freedom of speech, or freedom of the press, or security of individual rights, or popular education, or universal franchise.

It is a startling statement, but an indisputable fact, that in reviewing the centuries of history prior to the founding of the *republic* of the United States of America we find no country to which the historian can point and truthfully say: There was a government that worked well.

In 1788 a group of real statesmen of great physical vigor, mental acumen, thorough knowledge, practical wisdom, far-sighted vision and moral courage assembled in Philadelphia and after months of discussion and deliberation produced the Constitution which provided for the *republic* of the United States of America.

These men were equal to the opportunity, rose to the occasion, and builded better than they knew; for they established the *golden mean* and evolved the *standard* form of government.

Following the adoption of the Constitution and the founding of the *republic* of the United States of America there began the first great era of progress governmentally that the world had ever known.

We began to solve problems and to secure privileges that had baffled philosophers and statesmen for ages. Within a century we had secured all of the seven fundamental privileges for which government is primarily organized. We developed a larger galaxy of great statesmen (because they were thinking and working along *standard* lines) than has been developed by all other governments in the history of mankind. We organized into a splendid and loyal citizenship people of many nationalities, coming to our shores with varying ambitions and ideals. We

stood the strain of the great Civil War and came out of it stronger and better.

The governmental atmosphere of individual security seemed to stimulate individual effort toward discovery and invention, so that we made material and commercial progress that has had no parallel in history. We advanced from the wooden spade to the steam plow, from the ox-cart to the freight train, from the blacksmith shop to the great manufacturing plant, from the flail to the steam thresher, from the cradle to the self-binder, from the needle to the sewing-machine, from the spinning-wheel to the great textile mills, from the stage coach to the Pullman palace car, from the messenger boy on foot or horseback to the telephone and telegraph, from the prairie schooner to the automobile. And equal progress has been made along many other lines since the founding of this *republic*.

While doing all this we advanced from the education of the few to the great public-school system, from slavery to political equality, from religious bondage to religious liberty.

Other nations of the world were struck with awe and admiration by the marvelous manner in which the new *republic* was solving its problems and securing to its people political privileges such as the world theretofore had not known.

Awe and admiration on the part of the people of foreign countries merged into emulation, and they began to modify their ideals and ideas of government, gradually becoming more tolerant of religious freedom, more zealous of civil liberty, more lenient toward freedom of speech and of the press, more considerate of inherent individual rights, more active toward popular education, and more favorable toward universal franchise.

We radiated over all the world the rays of light, of hope, of progress, of justice, of common sense and of scientific governmental procedure; and while making that matchless record, and wielding that splendid world influence, we made for the United States of America the undisputed leading place among the nations, not because of our great army, our great navy, our vast possessions, or our many people, but because we were enjoying the blessings of the best form of government mankind had ever known.

Gradually, however, we began to modify our national government through the appointment of boards and commissions, and the creation of various governmental agencies that made it impossible for the government to function in accordance with the plan of the Constitution.

The various States modeled their constitutions less and less after the plan of the Federal Consti-

tution and included in them much that should properly have been statutory material. In their constitutions they provided for the election of officials other than the executive and members of the legislative bodies. More and more we drifted away from the moorings of the Constitution toward the whirlpools of a democracy.

Demagogues and propagandists, blinded with egomania, kept up a constant campaign of agitation in the various States for the initiative, referendum, recall, boards, commissions, city managers, socialistic doctrines and anarchistic heresies, until we may truthfully say that for some years we have been passing through an age such as Alexander Hamilton had in mind when he said: "There are seasons in every country when noise and impudence pass current for worth, and in populous communities especially the clamor of interested and factious men is often mistaken for patriotism."

In his popular work, "The American Commonwealth," written about thirty years ago, when boards and commissions were not so prevalent and we were still adhering more strictly to the *standard* form of government, Mr. Bryce wrote as the opening sentence in Chapter I: "What do you think of our institutions?" is the question addressed to the European traveler in the United

States by every chance acquaintance." That question was asked with an unusual degree of pride. Imagine, if you can, an intelligent American of today making, with any degree of pride, the following inquiries of European travelers:

What do you think of our Ohio and Oklahoma State constitutions?

What do you think of presenting a ballot to the voter containing the names of 834 candidates, or a ballot over six feet long covered with printed matter upon which a vote is to be cast within two minutes of time?

What do you think of having 128 boards and commissions in a single State in addition to an executive, two legislative bodies and seven other elective officials?

What do you think of our more than doubling the expenses of government in nearly every State in the Union during the decade from 1903 to 1912?

What do you think of spending over \$2,000,000 of the taxpayers' money on primaries and elections in Cook County, Illinois, in the single year of 1916, aside from the personal expenses of the horde of candidates?

What do you think of our enacting over 62,000 new statutes in this country during the five-year period from 1909 to 1913, inclusive, and of our

having over 65,000 decisions of courts of last resort during those same five years, and compiling 631 large volumes of decisions?

These are only a few of the many questions that might be asked because we have been drifting away from the plan of a *republic*.

The conditions that have been wrought through these departures, this reckless agitation, and the enactment of approximately fifteen thousand new statutes each year, have had a disastrous effect upon this country and resulted in greatly lessening our influence for good in other countries. We have drifted from the *republic* toward democracy; from statesmanship to demagogism; from excellent to inferior service. It is an age of retrogressive tendencies.

CHAPTER II

THE REPUBLIC

THE present great war crisis has aroused the world to serious thought about government and the best form of its administration.

If the people of all nations could be awakened to the tremendous truth that a *republic* is the only form of government that has solved governmental problems successfully and given wholesome and desirable results, it would compensate in part for the awful sacrifice and carnage of this tragic time.

One of the serious aspects of present-day tendency is the reckless and inaccurate use of governmental terms. Almost daily Russia is spoken of as "the new republic." That phrase is as inaccurate as it would be to speak of a drunken man as a new example of temperance. To speak of Mexico as a "republic" is as inaccurate as it would be to speak of fanaticism as a new form of reverence. To call China a "republic" is as far-fetched as it would be to speak of insomnia as a new form of rest.

China, Mexico and Russia at the present time are all types of democracy. In each instance the pendulum swung all the way from the extreme of autocracy to the extreme of democracy. It did not stop at the *golden mean*. These countries are not *republics*.

England, Italy, Belgium and France are frequently spoken of as "the allied democracies of Europe;" yet with one exception each country supports a royal family at a tremendously large expense, which is one of the elements of autocracy.

It would create considerable confusion of thought in the medical world if we should speak of disease as health; if, in the realm of law, we should speak of crime as a contract; if, in the realm of nature, we should speak of a cyclone as a sea breeze; if, in the commercial world, we should speak of a bankrupt as a business success; if, in the religious world, we should speak of a dime novel as the Bible; yet these are fair illustrations to parallel the inaccuracy that prevails in the present-day use of governmental terms.

The terms "*republic*" and "democracy" are thoughtlessly and inaccurately used almost synonymously in dictionaries, in encyclopedias and in political literature and discussion. This country is frequently spoken of as a democracy, and

yet the men who established our government made a very marked distinction between a *republic* and a democracy, gave very clear definitions of each term, and said repeatedly and emphatically that they had founded a *republic*.

Surely no one has more valid authority to use governmental terms, or to make definitions of those terms, than the men who evolved the best form of government the world has ever known. The statements of Hamilton and Madison, who were designated as the spokesmen and interpreters of the work of the Constitutional Convention, make it absolutely clear that the founders of the *republic* had in mind a very marked distinction between these two forms. In *The Federalist* Madison says:

“What, then, are the distinctive characters of the republican form? Were an answer to this to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different states, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a *republic*. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a

small body of hereditary nobles. Poland, which is a mixture of aristocracy and monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of *republics*. These examples, which are nearly as dissimilar to each other as to a genuine *republic*, show the extreme inaccuracy with which the term has been used in political disquisitions."

The above quotation indicates how forcefully Madison called attention to the gross misuse of the word "*republic*" in his day. He was very jealous of the use of the term. He was extremely conscious and justly proud of having played an important part in helping to found the first *republic* of history. He knew the difference between an autocracy and a *republic* and he objected to having autocracies spoken of as *republics*.

He also understood quite clearly the difference between a *republic* and a democracy. Again, in *The Federalist*, he said:

"Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal

security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their professions, their opinions and their passions. . . . A *republic*, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. . . . The two great points of difference between a democracy and a *republic* are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government. . . . The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the

public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. . . . Hence, it clearly appears that the same advantage which a *republic* has over a democracy consists in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice. . . . In fine, it consists in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority. . . . If we resort for a criterion to the different principles on which different forms of government are established, we may define a *republic* to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. . . . The true distinction between these forms is that in a democracy the people meet and exercise the government in person. In a *republic* they assemble and administer it by their representative agents. . . . The first question that offers itself is whether the general form and aspect of the government be strictly republican? It is evident that no other

form would be reconcilable with the genius of the American people."

On September 18th, 1803, Hamilton wrote to Pickering:

"The plan of a constitution which I drew up while the convention was sitting, and which I communicated to Mr. Madison, . . . was predicated upon these bases:

"1. That the political principles of the people of this country would endure nothing but republican government.

"2. That in the actual situation of the country it was in itself right and proper that the republican theory should have a full and fair trial.

"3. That to such a trial it was essential that the government should be so constructed as to give all the energy and stability reconcilable with the principles of that theory.

"These were the genuine sentiments of my heart, and upon them I acted."

In his great and exhaustive work on "Political Science and Constitutional Law," John W. Burgess, after analyzing minutely the forms of government of the four leading countries, makes the following deductions:

"I do not believe it is utopian to predict that the republican form will live after all other forms have perished. . . . It is a hazardous venture to

prophecy what the form of the future will be. It seems to me, however, that that form will be a *republic*. . . . It seems to me evident that the destiny of history is clearly pointing to the United States as the great world organ for the modern solution of the problem of government as well as of liberty."

Article 4, Section 4, of the Constitution provides: "The United States shall guarantee to every State in this Union a republican form of government." It is inconceivable that the Fathers would guarantee a republican form of government to every State in the Union without the absolute intent of providing that same form of government for the nation.

It would seem that the founders of this *republic*, after a careful survey of the governments of history, concluded that autocracy resulted in tyranny and democracy merged into mobocracy, and they strove to avoid the dangerous extreme of either tyranny or mobocracy by establishing the *golden mean* and founding a *republic*.

The new form of government provided for by the Constitution and evolved in 1788 A.D. was the first *republic* the world had ever known, and it may be clearly defined as follows:

A *republic* is a form of government under a constitution which provides for the election of

(1) an *executive* and (2) a *legislative* body, who, working together in a representative capacity, have all power of appointment, all power of legislation, all power to raise revenues and appropriate expenditures, and are required to create (3) a *judiciary* to pass upon the justice and legality of their governmental acts and to recognize (4) certain inherent *individual rights*.

Take away any one or more of those four elements and you are drifting into autocracy. Add one or more to those four elements and you are drifting into democracy.

In an autocracy authority is derived through heredity, regardless of character, capacity or conduct. Rulers are chosen by virtue of their membership in the royal family; the people have no choice in their selection.

In a democracy authority is derived through mass-meeting, the initiative, the referendum, instructed delegates, or any other form of direct popular expression.

In a *republic* authority is derived through the election by the people of public officials to represent them.

The attitude of autocracy toward property is feudalistic. This is unjust and results in protest, and finally in rebellion, on the part of the people.

The attitude of democracy toward property is communistic or socialistic. This negates property rights and results in chaos, mobmindedness and riot, finally terminating in destruction of the very property itself.

The attitude of the *republic* toward property is that of individual ownership, resulting in thrift, respect for law, individual rights, and orderly, sensible, economic procedure.

The attitude of autocracy toward law is that the will of the royal ruler shall prevail, regardless of reason or consequences.

The attitude of democracy toward law is that the will of the majority shall prevail, regardless of whether it be based upon deliberation or is governed by passion, prejudice and impulse, without restraint or regard to consequences.

The attitude of the *republic* toward law is the administration of justice in accord with fixed principles and established evidence and with strict regard to consequences.

There is no such thing as a representative democracy. To use that expression is equivalent to speaking of a "temperate drunkard." The very essence of democracy is that the people speak direct. There is no such thing as a "democratic *republic*." To use that expression is equivalent to speaking of "gluttonous nourishment." The very

essence of a *republic* is that the people speak through representatives. If there is such a thing as a democratic *republic*, what other kinds of *republics* are there? There is no such thing as a democratic autocracy. To use that expression is equivalent to speaking of gluttonous starvation.

This line of reasoning will be clarified in the following chapter on "*The Golden Mean.*"

The expressions "representative democracy," "democratic *republic*" and "democratic autocracy" are among the most dangerous and misleading in current use.

The only qualifying terms that can properly be used to describe an autocracy or a democracy are bad, worse, worst. There are no good ones. The only qualifying terms that can properly be used to describe a *republic* are good, better, best. When a *republic* ceases to be good it is no longer a *republic*; it has merged into either a democracy or an autocracy. Just as in the realm of food the only qualifying adjectives that can be used to describe starvation or gluttony are bad, worse, worst, the only qualifying adjectives that can be used to describe nourishment are good, better, best. When nourishment ceases to be good, it has merged into either starvation or gluttony.

England today is known as an autocracy with a mixed government. It has some of the ele-

ments of a *republic* and some of the elements of a democracy. The unwritten constitution, the existence of the royal family, even though somewhat muzzled, the House of Lords, and the limitation on the reviewing of legislation by the courts, are all elements of autocracy. The House of Commons is a republican branch. The mercurial method of changing the cabinet in haste, on the impulse of the moment, at the behest of the mob spirit, is of the essence of democracy.

France is a democracy with a mixed government containing some republican elements and some of the elements of an autocracy.

Almost all of the autocracies and democracies of the world have mixed governments; that is to say, they have modified the form to include elements of one or both of the two other forms.

The first *republic* the world had known was the *republic* of the United States, which, until we began modifying it, was a true *republic*.

We should return at once, with all of the humility and penitence of the prodigal son, to a strict and literal adherence to the *republic*, the *golden mean* between autocracy and democracy, and encourage the people of each of the other countries of the world to go forward from the form of government that they now have to a *republic*.

CHAPTER III

THE GOLDEN MEAN

THE *golden mean* is a concept almost as old as humanity itself. Confucius wrote interestingly about the *mean*. Horace gave expression to the phrase "*aurea mediocritas*."

The *mean* that is *golden* is that middle point or degree in any quality, state or activity which avoids the dangers or errors of either extreme by the striking of a well balanced medium.

In the study of any science or of any problem we can learn much by observing the laws of nature. If in sowing grain we use too little seed, the crop will be small. If sufficient is sowed, the best possible crop will result. If too much is sowed, there will be no mature crop, because the plants will be too crowded to secure the proper nourishment, light and air. Again, if too little moisture falls upon the soil, you have a drought and little crop; if sufficient moisture, the best crop; if too much moisture, the field is flooded, the plants rot, and you have no crop.

In no sphere of activity do we find the dangers of the two extremes more disastrous, and on the

other hand the value of the *golden mean* more beneficial, than in the realm of government. Too little participation by the people means autocracy, which results in tyranny. On the other hand, too much participation by the people means democracy, which results in mobocracy. It is the *golden mean*, the *republic*—the *standard* form of government, strictly and literally adhered to—which gives just the right amount of participation by the people in governmental affairs and causes the political plant to thrive and reach its best development and its full fruition.

Aristotle made the most valuable contributions to political science that were made prior to the founding of this *republic*. He was the first writer to undertake a classification of the forms of government. As a philosopher he knew that there must be three degrees for an accurate classification, and he divided government into three forms. He knew that there should be two extremes and a form corresponding to the *golden mean* in the realm of government as in other fields of activity. He named monarchy as one extreme and defined it as government of one. He named democracy as the other extreme and defined it as government of the masses; but, the *standard* form not having been evolved, the *golden mean* not having been worked out in his day, he could not

include the *republic* as the *golden mean*. He was therefore forced in his classification to do what we are frequently called upon to do when we cannot find the thing we need—namely, to use the best substitute available—and in lieu of the *golden mean* he chose aristocracy and defined it as government of the minority. Aristocracy, however, has the same elements and is of the essence of autocracy. It has the element of heredity, the element of class, the element of privilege, and generally the element of militarism, and deserves no classification separate and apart from autocracy, any more than bread deserves a classification separate and apart from food.

There have been several crude classifications of forms of government, and a mere statement of them is sufficient to demonstrate how shallow had been the thinking upon political science previous to the founding of this government.

Von Mohl classified the forms of government as patriarchal, theocratic, despotic, classic, feudal, and constitutional. The classification of Von Mohl is an apt illustration of the loose thinking and inaccurate use of governmental terms. It results only in confusing the mind.

Bluntschli followed the classification of Aristotle and added "Idiokratie," which he defined as a state in which the supreme ruler is considered

to be God, or some superhuman spirit, or an idea.

Most writers on political science since the time of Aristotle have followed his classification of forms of government, and modern writers on political science in the main still follow blindly the incorrect classification of forms of government suggested by Aristotle, although the founding of this *republic* made necessary a revision in order to make a correct classification. It was reserved for the founders of this *republic*, the framers of the Constitution of the United States, to arrest the erratic swing of the pendulum of government and to point it to the *golden mean*, which made necessary a revision of the classification of Aristotle by striking out aristocracy, which is an essence of autocracy, and substituting *republic*, which is the *mean* that is *golden*, as follows:

REPUBLIC
AUTOCRACY — ~~ARISTOCRACY~~ — DEMOCRACY

This makes the correct classification of forms of government.

All through the realm of nature and of human activity we find examples of the trinity classification above described—the two extremes and the *golden mean*. A few of the more striking classifications of this character are cited below in order to emphasize this fundamental truth and to

illustrate the importance and the soundness of the law of the *golden mean*. Other trinity classifications will doubtless occur to you:

EXTREME	GOLDEN MEAN	EXTREME
Autocracy	REPUBLIC	Democracy
Tyrants	Statesmen	Demagogues
Bondage	Liberty	License
Oppression	Reason	Impulse
Arbitrariness	Arbitration	Agitation
Submission	Contentment	Discontent
Coercion	Justice	Anarchy
Reaction	Progress	Chaos
Feudalism	Property rights	Socialism

You will observe from these classifications that the results of autocracy and democracy are undesirable extremes, and that the results of a *republic* are desirable *golden means*.

Autocracy results in tyranny, bondage, oppression, arbitrariness, coercion, submission, reaction.

Democracy results in demagogism, license, impulse, agitation, discontent, anarchy and chaos.

The *republic*, strictly and literally adhered to, results in statesmanship, liberty, reason, arbitration, justice, contentment and progress.

It is interesting to note how this natural law of the *golden mean* works in other fields of activity

and illustrates the application of the law to forms of government:

EXTREME	GOLDEN MEAN	EXTREME
Skepticism	Reverence	Fanaticism
Polygamy	Monogamy	Promiscuity
Starvation	Nourishment	Gluttony
Thirst	Temperance	Drunkenness
Stupidity	Intelligence	Insanity
Monotone	Harmony	Discord
Three or less	Four wheels	Five or more
Hibernation	Rest	Insomnia
Darkness	Light	Dazzle
Drought	Moisture	Flood

What skepticism is to religion, autocracy is to government; what fanaticism is to religion, democracy is to government; what reverence or worship is to religion, the *republic* is to government.

Polygamy, which means plural marriage, is to the domestic world what autocracy is to government; promiscuity, or free love, is to the domestic world what democracy is to government; monogamy, one man and one woman lawfully wedded, producing legitimate children and serving as a unit in society, is to the domestic world what the *republic* is to government.

In the world of food, starvation is to the individual what autocracy is to government: the aspirations of the people are starved. What gluttony is to the individual, democracy is to gov-

ernment: it does not function. What nourishment is to the individual, the *republic* is to government.

In the matter of drink, what thirst is to the individual, autocracy is to government; what drunkenness is to the individual, democracy is to government; what temperance is to the individual, the *republic* is to government.

What the monotone is to music, autocracy is to government; what discord is to music, democracy is to government; what harmony is to music, the *republic* is to government.

What stupidity is to thought, autocracy is to government; what insanity is to thought, democracy is to government; what intelligence is to thought, the *republic* is to government.

What hibernation is to sleep, autocracy is to government; what insomnia is to sleep, democracy is to government; what rest is to sleep, the *republic* is to government.

What darkness is to the sight, autocracy is to government; what dazzle is to the eye, democracy is to government; what light is to the eye, the *republic* is to government.

What drought is to the soil, autocracy is to government; what a flood is to the soil, democracy is to government; what moisture is to the soil, the *republic* is to government.

What three wheels or less are to transportation, autocracy is to government; what five wheels or more are to transportation, democracy is to government; what four-wheel vehicles are to transportation, the *republic* is to government.

You will observe that in the above classifications the *golden mean* is always an accurate, definite thing, while the extremes are variable, inaccurate things. For example, it is starvation whether an individual is deprived of food for several days or several weeks; the longer the period of time, the more extreme the starvation. It is gluttony whether one eats an overabundance of food or several times the needed amount, and the greater the abundance of food, the more extreme the gluttony; but nourishment, the *golden mean*, is a definite thing with fixed limitations—just enough.

If one is deprived of drink for a day, or several days, it is thirst, and the longer the time, the more extreme the thirst. One may drink too many glasses or too many quarts; the result will be drunkenness in some degree; and the greater the excessive amount, the more extreme the drunkenness: but temperance, the *golden mean*, is a definite thing with fixed limitations.

Polygamy consists in the marriage of one man to two or more wives. The number may be five,

seven, ten, seventeen, or any other plural number; the larger the number, the more extreme the polygamy. Promiscuity consists of ignoring the institution of marriage and forming domestic relationships with one or more "affinities," which results in illegitimate children and chaos in society; the more numerous the "affinities," the more extreme the promiscuity; but the monogamous marriage is a definite thing with fixed limitations: one man and one woman lawfully wedded, producing legitimate children and serving as a unit in society. Add one or more wives and you have polygamy; one or more affinities, and you have promiscuity.

The above classifications and illustrations are scientific and in accord with truth and common sense. Just so in forms of government. The *republic* is a definite, accurate thing with fixed limitations. Take away one or more of the four elements of a *republic*, and you have some degree of autocracy. Add one or more to the four elements of a *republic*, and it merges into democracy.

The law of degree also applies to forms of government. The more extreme the autocracy, the more vicious the government; and, on the other hand, the more extreme the democracy, the more vicious the government: but the more

strictly and literally the *republic* is adhered to, the better the government.

Frequently you hear people say that the more popular the government becomes, the better it becomes. That statement is as absurd and untrue as it would be to say that the more drink you give a person, the more temperate that person becomes, or the more excessive the amount of food you give a person, the better nourished that person becomes; the more fanatical a person becomes, the more religious that person is; the more seed you sow, the better the crop.

On every hand almost daily we hear the expression, "Make the world safe for democracy." That expression is as superficial, and as impossible, and as unwise as it would be to say: "Make drink safe for drunkenness; make food safe for gluttony; make religion safe for fanaticism; make the social world safe for free love; make music safe for discord; make justice safe for lawlessness; make automobiling safe for joyriding." It is a weak, unsound, beggarly slogan. Government was created to make safety, not to have safety made for it.

A more effective statement would be, "Make the world safe through democracy," if there were any basis for faith in such a slogan; but we cannot make the world safe for democracy, nor can

we make the world safe through democracy, because democracy itself is one of the most dangerous things in the world.

The proper reply to that slogan is that the *first republic* made a nation safe for the first time in history and helped make the world safer until we modified the *republic* by adding the elements of democracy.

To discuss a governmental situation in terms of autocracy and democracy and ignore the *republic* is as shallow and unscientific as it would be to discuss a food problem in terms of starvation and gluttony and ignore nourishment, which is the vital thing; or to discuss the drink problem in terms of thirst and drunkenness and ignore temperance, which is the important thing; or to discuss the question of human rights in terms of bondage and license and ignore liberty, which is the essential thing.

The tendency, however, during recent years, of those in authority in all countries has been to go to one extreme or the other; to appeal to ignorance, passion, prejudice, emotion, hate and fear by intemperate speech, and to ignore the danger signals of history. There is an appalling need today for a knowledge and an observance and an application of the law of the *golden mean* in word, thought and action.

CHAPTER IV

THE STANDARD FORM

IF YOU were asked to suggest a word that epitomizes in the most effective and comprehensive manner the sum total of human effort and the achievements of civilization, what would your answer be?

Undoubtedly the word "*standards*."

By the processes of reasoning and experience in the various fields of activity and thought, *standards* have been evolved to guide mankind in the onward march of civilization.

From the birth of political speculation treatises on politics have frequently discussed the question, What is the best form of government?

The men who founded this *republic* answered that question by evolving the *standard* form of government. It is the right *standard* in the science of government, just as the Golden Rule is the correct *standard* in the philosophy of right living; the Ten Commandments in the realm of law; the ten digits in the science of mathematics; the alphabet in the languages; the institution of

monogamous marriage in domestic relationships; the clock in the realm of time; the compass as a guide to travel; the *standards* of weights and measures to express quantity; the yardstick as the unit of length; four wheels in the domain of land transportation; the fish-shaped boat in the domain of water transportation; gold in the monetary system, and the corporation in the field of business.

How do we know that these are *standards*? Because they have been evolved through reasoning and experiment and have been tested by experience and demonstration. Nothing was discovered or evolved up to the time of their adoption that worked as well, and nothing has since been evolved that could be substituted for them with profit and universal approval.

All of the *standards* above referred to except the *standard* form of government have met with almost universal adoption throughout the entire world, and it is high time that we should adhere strictly and literally to the *republic* as the *standard* form of government in nation, State, county and city, and recommend its adoption throughout the world.

It meets as severe a test as can be applied to any of the *standards* named.

During the thousands of years of history prior

to the founding of this *republic* no government had been devised which gave to its people religious freedom, civil liberty, freedom of speech, freedom of the press, security of individual rights, popular education or universal suffrage.

During the first hundred years of the existence of this *standard* form of government all these privileges were secured. In that first century of our history we developed a larger galaxy of great statesmen (because they were working and thinking along *standard* lines) than has been developed by all other governments in the history of mankind. We harmonized into a splendid citizenship people of many nationalities coming to our shores with varying ambitions and ideals. We stood the strain of the great Civil War and came out of it stronger and better. We made material and commercial progress that has had no parallel in history, and while making that matchless record we established for the United States of America the leading place among the nations of the world.

All these evidences of the adaptability of the *republic* successfully to meet unlooked-for emergencies, to harmonize the incoherent elements from other lands, to establish the blessings of liberty, of education and of individual rights, and to successfully solve the problems which had baf-

fied the philosophers and statesmen throughout the ages, are proof that the *republic* is not only the best, but the *standard* form of government.

It was the first form of government that worked well, and no form of government has since been devised which has met with such universal approval; but for some unexplainable reason it has not met with universal adoption.

The delay in universal adoption is not unusual, but quite in accord with the experience of history. It is doubtful if any of the other *standards*, now universally recognized, met with immediate adoption. Their discovery in most instances was probably followed by a period of doubt and further fruitless experiment.

The people of all ages have quite generally failed to recognize the merit of the work of the benefactors of the race and the prophets of their time, and have frequently paid popular homage to those who were finally revealed as impostors.

They humiliated Westinghouse for discovering the airbrake.

They laughed at Bell for discovering the telephone.

They persecuted Columbus for discovering a new world and unfolding hidden truth.

They made a wandering pilgrim of Confucius in China.

They gave Socrates the cup of hemlock for philosophy now taught in our universities.

They crucified Christ, who came to lead the way and set the *standard* of right living for all mankind.

“Not understood!

Poor souls with stunted vision

Oft measure giants by their narrow gauge;

The poisoned shafts of falsehood and derision

Are oft employed 'gainst those who mold the age,

Not understood!”

The light finally dawned; the truth, although “crushed to earth,” finally prevailed, and ultimately the importance of the work of the men who founded the *republic* will be recognized and understood.

There is no reason to suppose that the framers of the Constitution realized the full significance of their work. The ultimate purport of many of our greatest discoveries was not fully revealed until long after the discoverers passed over the great divide.

So the framers of the Constitution, though they knew that they had conscientiously provided a form of government better suited than any other possible form to the need of their country, probably did not fully realize that they, too, had made a discovery of universal import. There is no evidence that they were conscious of having

established the *golden mean* or of having evolved the *standard* form of government. But when the scope of this tremendous governmental achievement dawns upon mankind, the *republic* will be the universal form of government everywhere around the world, just as other *standards* and other *golden means* in other fields of activity have been universally utilized when their superiority became known and acknowledged.

Just so certain as the sphere is the *standard* form for the heavenly bodies, including the earth, throughout all the realm of nature, from the mightiest suns to the smallest planets, so sure it is that the *republic*, the *golden mean*, will become the *standard* form of government throughout the world.

It may be urged that the *republic* has not worked perfectly. The answer is that it is not the fault of the form of government, but of its imperfect application. It has provided by far the best government of any form that has ever been devised.

Problems in mathematics are not always worked correctly, but it is not the fault of the digits. It is the fault of imperfect application. Words are misspelled, but it is not the fault of the alphabet. We do not have perfect monetary systems, but it is not the fault of gold. Our rem-

edy lies not in further experiment with dangerous departures, but in improving our application of the *standard* form through exercising greater vigilance, more discretion and better judgment in the selection of representatives who are to administer the affairs of the government. One of the very vital tests that should be applied to prospective candidates as to their fitness is whether or not they understand thoroughly what this form of government is and the stern importance of adhering strictly and literally to it in nation, State, county and city.

No one claims that *republics* are perfect—nothing human is perfect—but I do maintain that there is the same difference between a *republic* and either a democracy or an autocracy that there is between good and bad.

During a recent conversation with a gentleman who is an earnest student of government and who for years had been a teacher of constitutional history in one of our largest universities, he said: "I have always been of the opinion during my years of thought and study and teaching that one form of government worked well in one country and another form of government in another country." I replied: "Why don't you say that of the clock, of the compass, of the alphabet, of the Golden Rule, of the ten digits, of the

standards of weights and measures, or of the institution of marriage?"

This *standard* form of government would work better than any other form in any country, under any conditions, in the midst of any people, just as the other *standards* heretofore enumerated, that have been universally adopted, work better in their various fields than anything else that has been devised. This *standard* form of government would work better than any other form in darkest Africa, densest China, chivalrous France, intellectual England, efficient Germany, chaotic Russia, serious Scandinavia, impulsive Mexico or anywhere else, and it will work better than any other form of government in any nation, State, county, or city, whether the population run into the millions or is limited to a few hundred. The very essence of a *republic* is to make possible the selection of the best fitted people to work out the problems of government in a representative capacity.

The student of government further observed: "I have always been of the impression that the quality of public service depended more upon the intelligence of the people than upon the form of government." And I replied:

"From 1776 to 1788 we were living on the same land, with the same sun to shine by day and

the same moon and stars to shine by night, with the same people, the same able men; the Mayflower compact had been written; the Declaration of Independence had been adopted; there was a yearning desire to have a stable government; but after operating under the Articles of Confederation for twelve years, from 1776 to 1788, we were in a good deal the same condition in this country that Russia is today. In 1788 we wrote the Constitution, founded the *republic*, and in twelve years we had made unbounded progress and won the admiration of the world because of our form of government."

No better proof could be given of the great importance that the form of government plays in the welfare and progress of a people.

It is high time that the people of the world should be aroused and become wide-awake to the tremendous truth that the vital significance of the work of the men who wrote the Constitution and founded the *republic* is that they evolved the *standard* form of government.

Each individual has a threefold relationship: the relation to God, the relation to government, and the relation to society. When one acquires the right concept of God and the right concept of government, it almost assures a right relationship toward society.

To my mind the most important event that has occurred since creation was the coming of Christ, for he came to establish the *standard* of right living for all mankind. The next most important event was the founding of this *republic* under the Constitution, because it provided for the *standard* form of government.

CHAPTER V

THE CONSTITUTION

MANY books have been written upon the Constitution and many eloquent and deserved tributes have been paid to it; but there have been comparatively few brief, clear, accurate statements telling just what the Constitution is and what it contains.

Many have come to regard the wording, the style and the tradition of the Constitution as almost sacred, but to my mind the most sacred thing about the Constitution is that it embraces just four elements: (1) An *executive* and (2) a *legislative* body, who, working together in a representative capacity, have all power of appointment, all power of legislation, all power to raise and expend money, and who are required to do just two things: (3) to create a *judiciary* to pass upon the justice and legality of their governmental acts and (4) to recognize certain inherent *individual rights*.

It has been the general custom of writers to divide our government into three departments,

but the element of inherent individual rights is as essential to the other three departments as the fourth wheel of a *standard* vehicle is to the other three wheels in the domain of transportation. The more additional wheels you add to the *standard* four-wheel vehicle, the more useless and confusing the vehicle would become; likewise, the more additional elements you add to the four elements provided for by the Constitution, the more useless and confusing the government becomes. The executive, legislative and judicial branches should be guided, controlled and protected by individual rights. All the people are entitled to the enjoyment and protection of individual rights guaranteed by the Constitution. No one of the four elements is more important than the element of individual rights, but there is evidence that we are in danger of forgetting and violating this all-absorbing, gravely important fundamental fact.

The Constitution provides a system of checks and balances. The executive can veto an action of the majority of the legislative body, but the legislative body can override the veto of the executive by a two-thirds vote; so they have a check and balance upon each other.

The judiciary is required to recognize individual rights, and individual rights are dependent

upon the judiciary for their interpretation; so they have a check and balance upon each other.

The judiciary passes upon the justice and legality of the acts of the executive and the legislative body, and the executive and the legislative body have the appointive power and have the power to remove for lack of good behavior; so they have checks and balances upon each other.

Individual rights must be recognized by the executive and the legislative body and are dependent upon the executive and the legislative body for enforcement; so there are checks and balances between the individual rights and the executive and legislative branches.

Let me illustrate it in the diagram on the following page. Assume that the executive and the legislative body are the front wheels of a governmental vehicle, and the check and balance between them the axle that connects them; that the judiciary and individual rights are the hind wheels, and the check and balance is represented by the axle between them; and that the reach connecting the two axles represents the checks and balances between the four elements.

The diagram indicates clearly just what the Constitution is and all that it contains. That is the four-wheeled vehicle provided for by the Constitution. It was the first and only governmental

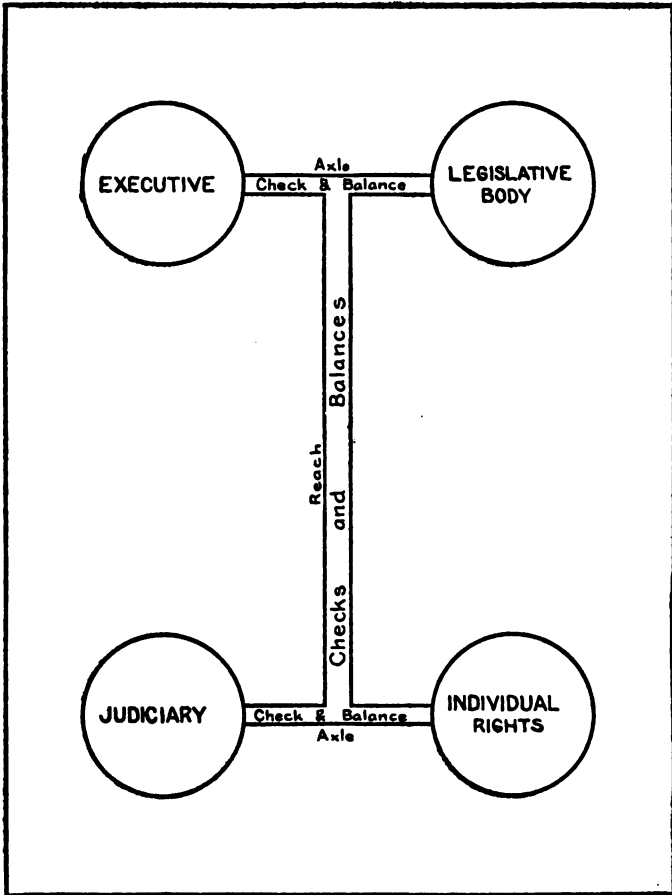


DIAGRAM OF THE CONSTITUTION

The organic law on which was founded the first sound government in history: the *republic*—the *golden mean*—the *standard form*.

vehicle ever conceived by the mind of man that was able to bear safely the burdens of human liberty and individual rights. That is the *standard* form, the *golden mean*, the *republic*, in the science of government, just as four wheels constitute the *standard*, the *golden mean*, in the domain of transportation. It is comparatively simple to figure out what would happen in the domain of transportation if we should try to work out the problem of transportation on three wheels or less, or five wheels or more. It would merely result in confusion and failure to work out the problem.

That identical thing happens in government. When you take away one or more of the four elements you have autocracy. When you add one or more to the four elements you have democracy. This accounts for the comparatively slight progress which was made toward the solution of the problems of government during all the thousands of years prior to 1788 A.D. The pendulum was swinging back and forth from the extreme of autocracy, with its attendant evils, to the extreme of democracy with its attendant evils. The reason we made great progress for a century and a quarter following the adoption of the Constitution and founding of the *republic* is that we followed quite closely the plan of creating and utilizing those four elements in the na-



tion, and to some degree in the various States; and foreign countries were partially utilizing the lessons taught through the Constitution and the founding of the *republic*. Departures from the *republic* account for the complications and retrogressive tendencies of recent years.

The next most sacred thing about the Constitution is that it provided that the people could do two things only: first, vote for President once in four years; second, vote for a member of Congress from their district once in two years. You may read and reread the Constitution, and you cannot find another thing that the people are permitted to do. The Constitution provides for absolutely strict representative government and gives the people no voice in the solution of governmental problems save that of electing representatives to work out the problems. In other words, the Constitution applies the same common sense and judgment to working out the problems of government that is applied in other fields of activity in working out other problems.

This is wise, because the human race is so endowed by Providence that a small percentage of the people have more natural artistic ability than the remaining larger percentage; a small percentage of the people have more natural musical ability than the remaining larger percentage; a small

percentage of the people have more natural inventive ability than the remaining larger percentage; a small percentage have more natural medical ability than the remaining larger percentage; a small percentage of the people have more natural educational ability than the remaining larger percentage; a small percentage of the people have more natural theological ability than the remaining larger percentage; a small percentage of the people have more natural mechanical ability than the remaining larger percentage; a small percentage of the people have more natural agricultural ability than the remaining larger percentage, and a comparatively small percentage have greater governmental ability than the remaining larger percentage.

Under the Constitution it was assumed that just as we select people with musical talent to give concerts, people with artistic talent to paint pictures, people of inventive ability to provide inventions, people of educational ability as teachers, people of theological ability as preachers, an architect to plan and supervise the construction of a building, a surgeon to perform an operation, an engineer for engineering work, just so the people would elect men of governmental ability to executive and legislative positions and permit them, in a representative capacity, to work out

the varied and oftentimes perplexing problems of government.

It is not a popular statement, but it is a fundamental fact, that the people generally know comparatively little about governmental problems. While this statement is widely at variance with the vociferous contentions of the demagogue, it is a truth that the founders of the *republic* thoroughly recognized, and they acted in accordance therewith.

To summarize, the Constitution provides for (1) an *executive* and (2) a *legislative* body and defines their qualifications and powers. It requires them to appoint (3) a *judiciary* and to recognize (4) certain inherent *individual rights*, and it defines the powers of the judiciary and enumerates the individual rights. It also provides that the people may vote once in four years for the executive and once in two years for members of the legislative body.

The Constitution was far from perfect. The Electoral College as a method of electing the President is an awkward creation that could be much improved. The enumeration of inherent individual rights was incomplete, and the classification and arrangement of them could be improved. There were other imperfections that detracted, but it did provide for just the four

elements that are necessary to make a *republic*, and that is its mighty virtue.

Of the men who framed the Constitution Mr. Thorpe, in his great work on the Constitutional History of the United States, says:

"Profound knowledge of all early plans of government of which history has record prepared them to take up the arduous civil problem before them."

After reading the Constitution the great Gladstone said:

"It is the greatest piece of work ever struck off at a given time by the brain and purpose of man."

Gladstone must have been convinced that it provided for the best form of government ever conceived by the mind of man.

The world-famed William Pitt, when he read it, exclaimed:

"It will be the wonder and admiration of all future generations and the model of all future constitutions."

Dictionaries use the words "model" and "*standard*" synonymously. It would seem that Pitt must have foreseen what this book is trying to make clear. His was an exclamation of joy because of the mighty achievement of the founders of this *republic*, but if Pitt could return to earth

and read the constitutions of Ohio, Oklahoma and other States and note our numerous departures from *the* Constitution, he would recognize his prophecy as false and breathe a sigh of regret.

In his remarkable book, "Why Should We Change Our Form of Government?" which, in my opinion, is the most masterly treatise on government that has been published during the twentieth century, Nicholas Murray Butler declares:

"The making of the American Constitution was a stupendous achievement of men who through reading, through reflection, through insight, and through practical experience, had fully grasped the significance of the huge task to which they devoted themselves, and who accomplished that task in a way that has excited the admiration of the civilized world. Those men built a representative *republic*; they knew the history of other forms of government; they knew what had happened in Greece, in Rome, in Venice and in Florence; they knew what had happened in the making of the modern nations that occupied the continent of Europe. Knowing all this, they deliberately, after the most elaborate debate and discussion both of principles and details, produced the result with which we are so familiar. . . . This government was founded by men whose minds were fixed upon the problems in-

volved in the creation of political institutions. They were thinking of liberty, of representative government, of protection against tyranny and spoliation, and of ways and means by which public opinion might, in orderly fashion, express itself in statute laws, in judicial judgments and in executive acts. The task of the founders was a political task, and with what almost superhuman wisdom, foresight and skill they accomplished it, is recorded history. . . . It is a noteworthy and singular characteristic of our American government that the Constitution provides a means for protecting individual liberty from invasion by the powers of government itself, as well as from invasion by others more powerful and less scrupulous than ourselves. The principles underlying our civil and political liberty are indelibly written into the Constitution of the United States, and the nation's courts are instituted for their protection. . . .

"The representative *republic* erected on the American continent under the Constitution of the United States is a more advanced, a more just and a wiser form of government than the socialistic and direct democracy which it is now proposed to substitute for it. . . . To put the matter bluntly, there is under way in the United States at the present time a definite and deter-

mined movement to change our representative *republic* into a socialistic democracy. That attempt, carried on by men of conviction, men of sincerity, men of honest purpose, men of patriotism, as they conceive patriotism, is the most impressive political factor in our public life of to-day. . . . This attempt is making while we are speaking about it. It presents itself in many persuasive and seductive forms. It uses attractive formulas to which men like to give adhesion; but if it is successful, it will bring to an end the form of government that was founded when our Constitution was made and that we and our fathers and our grandfathers have known and gloried in.

“We began the destruction of the fundamental principles of representative government in this country when we reduced the representative to the position of a mere delegate; when we began, as is now quite commonly the case, to instruct a representative as to what he is to do when elected; when we began to pledge him, in advance of his election, that if chosen he will do certain things and oppose others—in other words, when we reduced the representative from the high, splendid and dignified status of a real representative chosen by his constituency to give it his experience, his brains, his conscience and his best

service, and made him a mere registering machine for the opinion of the moment, whatever it might happen to be."

That is a remarkably strong statement of what our heritage was and a solemn warning against the dangers toward which we have been drifting.

During an address on "The Constitution between Friends" delivered before the Missouri Bar Association at Kansas City, Missouri, September 26th, 1913, Henry D. Estabrook paid a magnificent tribute to the Constitution as follows:

"And so, on this great continent, which God had kept hidden in a little world—here, with a new heaven and a new earth, where former things had passed away, the people of many nations, of various needs and creeds, but united in heart and soul and mind for the single purpose, builded an altar to Liberty, the first ever built, or that ever could be built, and called it the Constitution of the United States. . . .

"O marvelous Constitution! Magic parchment, transforming word, maker, monitor, guardian of mankind! Thou hast gathered to thy impartial bosom the peoples of the earth, Columbia, and called them equal. Thou hast conferred upon them imperial sovereignty, revoking all titles but that of man. Native and exotic, rich and poor,

good and bad, old and young, the lazy and the industrious, those who love and those who hate, the mean and lowly, the high and mighty, the wise and the foolish, the prudent and the imprudent, the cautious and the hasty, the honest and the dishonest, those who pray and those who curse—these are ‘We, the people of the United States’—these are God’s children—these are thy rulers, O Columbia. Into our hands thou hast committed the destinies of the human race, even to the omega of thine own destruction. And all thou requirest of us before we o’erstep boundaries blazed for guidance is what is required of us at every railroad crossing in the country: ‘Stop. Look. Listen.’ Stop and think. Look before and after and to the right and left. Listen to the voice of reason and to the small, still voice of conscience. . . .

“If the zealot, impatient of the wise caution and delay enjoined by the Constitution, would break down its barriers to hasty action, he should be compelled, if only as a penance, to study the Constitution and to know all the circumstances out of which it grew, the quality of the men who fashioned it, as well as the quality of the work accomplished by them. He should be taught these things in school. We have deposed the Bible in our public schools; would any American

object if we substituted the Constitution? Why should our schools have a 'Flag Day'? Why should a teacher point her pupil to the flag and the stars enskied in it, as the symbol of human liberty, without telling him of the tremendous Law that put each star in its place and keeps it there? I would fight for every line in the Constitution as I would for every star in the flag, for flag and Constitution will live or die together. . . .

"I know not if the times are ripe, or if events are merely gathering to a head; but soon there must come someone—some Washington in the field or some Marshall in the forum—who will sound a trumpet that will once more rally us to the defense of the Law."

Events have gathered to a head in this the greatest of all war crises. The time is ripe for the people of the world to understand that the Constitution provided for the four elements that constitute a *republic* and for nothing more. In this book I am trying "to sound a trumpet" that will rally us to a clearer understanding and a more accurate use of governmental terms, which is the all-important first step toward the "defense of the Law," getting back to the *republic* and grappling wisely and successfully with this grave international question.

CHAPTER VI

DANGEROUS EXPERIMENTS

ALL variations from a strict and literal adherence to the plan and form of government provided by the Constitution have been dangerous experiments to this country and mischievous in their influence upon the world, and every evil from which we suffer governmentally today can be traced directly to a departure from the Constitution.

Our most serious departure and variance from the *standard* form of government was begun when the people of the various States failed to follow the plan of the Federal Constitution and included in their constitutions material that properly should have been statutory enactments, and when they provided in the State constitutions for the election of officials other than the executive and members of the legislative body.

The election of any official by popular vote, aside from the executive and members of the legislative body, is a violation and a dangerous experiment which has brought disastrous results

throughout the States. The moment that the people take it upon themselves to elect heads of departments and officials other than the executive and members of the legislative body, they release the executive and legislative body from full responsibility for the quality of public service. It has been done to some extent in all of the States and was the first fatal step in merging the State governments, from *republics*, as guaranteed by the Constitution, toward democracies, resulting in useless expenditures, excessive legislation and chaotic administration.

How long do you think this government would have lasted if the Constitution had provided for the election of the judges of the Federal courts, or for the election of members of the Cabinet who serve as heads of departments?

That departure and experiment is responsible for all forms of the long ballot instead of the short ballot provided for by the Constitution and for which we are now clamoring, while at the same time making it impossible; responsible for the expenditure of billions of dollars in money, and responsible for our having now and having had since the time of our departure from the constitutional plan much less competent men in the public service than if we had adhered to the *standard* form and permitted the executive and

legislative body in the State, county and city to appoint the judiciary and all other officials.

It is a gross error to provide for the election of judges under any form of government. There is no issue that a candidate for judge can raise in a campaign. The very name of the office means that he is to decide matters in accordance with the law and the evidence.

Our Federal judiciary, which is appointed, has been much better and stronger than it would have been had the Constitution provided for its election. As a proof of this, several States where the judiciary is appointed have a higher grade of judges who do a much better quality of work than is done in States where judges are elected.

Why should an aspirant for attorney general go before the people and discuss the kind of opinions that will be rendered? Opinions should and must be based upon the law and facts.

Why should a candidate for State, county or city treasurer go before the people and discuss the custody of public funds? It is a self-evident proposition that public funds should be accounted for honestly.

Why should a candidate for auditor, clerk or recorder go before the people and discuss how accounts or records will be kept? There is only one way to keep records, and that is accurately.

Why should a candidate for prosecuting attorney, or sheriff, or county coroner make a campaign? These officials are generally placed under obligations during the campaign that lessen the efficiency of their service after election.

The appointment of every board that has ever been named since the Constitution was adopted marks a departure from the *standard* form of government and a dangerous experiment, and the existence of all boards has served merely to increase expenses, lessen the efficiency of public service and confuse the administration of government.

Alexander Hamilton, to whom we owe more than to any other single individual for the *standard* form of government, and to whom the world owes more than to any one else for enlightenment in the field of political science, sounded a warning note when this dangerous experiment was first instituted in this country. He said:

"Lately Congress . . . have gone into the measure of appointing boards, but *this, in my opinion, is a bad plan.*"

All commissions that have been appointed since the Constitution was adopted were departures and dangerous experiments, and their existence has resulted in the expenditure and waste of billions of dollars, lessened the efficiency of

public service, and confused governmental procedure.

Abraham Lincoln, to whom we owe more than to any other single individual for the *preservation* of the *republic*, expressed in no uncertain terms his opinion of boards and commissions. Just before Lincoln started for the Ford Theater, on the night of his assassination, Mr. Ashmun, who had presided over the convention of 1860, in which Lincoln was nominated for President, called at the White House. He told Mr. Lincoln that he still had the gavel which he had wielded in that convention, and after a few moments' conversation, he said: "Mr. Lincoln, I am interested in a cotton claim, and I want you to appoint a commission to investigate the matter and report." Lincoln replied, with so much earnestness and warmth that he afterwards apologized to Mr. Ashmun for his abrupt manner:

"Ashmun, I have done with commissions. I think they are contrivances to cheat the government."

I am glad that Lincoln uttered those words in the very ripeness of his experience, the maturity of his judgment and the fullness of his wisdom. It was Lincoln's last expression concerning government, and I think by far the most important of all his great utterances. Would that these

words might be displayed all over the world in letters of gold by day and with moving electric lights by night as the last solemn warning of the mighty Lincoln against the wholesale appointment of commissions, which is one of the evil tendencies of the present time.

As people come to know that Lincoln spoke those words and come to understand the full purport of their meaning, the spirit of the great Emancipator will live on, freeing the world from a dangerous experiment that is weakening the effectiveness of our government and undermining the efficiency of other governments throughout the world.

It would take many large volumes to review the expenditures and failures of the various boards and commissions that are gradually wrecking the *republic*.

The Inter-State Commerce Commission was heralded as an innovation that was to do great things. Its net result has been the expenditure of millions of dollars wastefully while it made unreasonable rulings that retarded the extension of railroad tracks and the building of cars, so that today the service does not meet the demand. Several roads have been wrecked and innocent investors have lost their money. Confidence has been shaken in railroad securities so that they are

a drug upon the market, and now the same agitators and newspapers who were clamoring for control, destruction and punishment of the railroads are asking that their rates be increased, that they be given a chance, that they actually receive charitable assistance from the government.

In this great war crisis commissions are being added and multiplied instead of subtracted and divided as they should be. It was the purpose of the Constitution that all governmental work aside from the legislative and judicial branches should be performed by heads of departments and their subordinates, and that we should be represented abroad by ambassadors, ministers or consuls.

When Franklin went to France in the early days, he went alone as an ambassador with a definite message, that of soliciting military and financial aid from France. When he had made his appeal to the French government he secured favorable action. I want to ask you, dear reader, what you think the result would have been if Franklin had been serving on a commission of five or more men and they had all gone together, and after he had finished making his appeal he had then said: "We have with us also Mr. Brown, who will now present the matter." Mr. Brown in presenting the matter would doubtless have

made some variance from Franklin's presentation. If, when Mr. Brown had finished, he had then said: "We have with us Mr. Jones, who will now present the matter," Mr. Jones would doubtless have made some variance in his presentation between that of Mr. Franklin and Mr. Brown. If, after Mr. Jones had finished, he had then said: "We have also with us Mr. Smith, who will present the matter," Mr. Smith doubtless would have made some variance from the other three. If, when Mr. Smith had finished, he had then said: "We have also with us Mr. White, who will now present the matter," Mr. White would no doubt make some variance from the presentations of the other four.

Don't you think the officials of France would have been somewhat confused at the close of the presentations and would have suggested that the commission return to America and they would think the matter over? Upon a comparison of the variances in the several presentations they would conclude that it would perhaps be better to do nothing, or to have another session at some future time, and we would have had the privilege of paying the salaries and expenses of five without securing the desired result. In addition, there would have been the danger that each man, in his ambition to be the big man on the commission,

would feel the necessity of slightly discrediting the other four.

This is one of many illustrations that might be given, and the pity is we are growing worse instead of better in this regard.

Suppose that when President Wilson called Elihu Root to Washington and asked him to go on a commission with Russell, who had been assaulting our institutions for many years, and other men who had no concept of the meaning of *a republic*, Mr. Root had said: "Mr. President, I am seventy-two years old and willing to undertake this hazardous journey, but if I go, I must go alone as an ambassador, as Franklin went to France, and I must go with a definite message that must have your approval before I start, and no interference after I leave. That message will be the Constitution of the United States translated into the Russian language. Upon my arrival I will ask that the Constitution be read in the Russian language to those who are assembled to consider the new government for Russia. After the reading of the Constitution, I will ask for an interpreter, through whom I will say that this Constitution provided for the first form of government that ever worked well, and that, if they wish to utilize its teachings in working out their problems, I will be glad to be

of such service as I can; if not, that I will return home, leaving that definite message with them to make use of when they have exhausted the dangerous experiments in which they are engaged."

That would have sounded a clear note, and if Mr. Root had gone under those conditions, he would have given Russia a clear, definite and constructive message. But instead we sent a large commission, at great expense, without a definite message, and the result is, to say the least, extremely unsatisfactory.

The judgment displayed in sending Root and Russell together on a governmental mission was as unsound as it would have been to send Dwight L. Moody and Bob Ingersoll together to put on an evangelistic campaign, or to have sent Jim Hill and Eugene V. Debs together to manage the construction of a railway system.

All so-called efficiency commissions with which I am familiar—and I have had years of experience in the public service—remind me of the ironical definition given by Job Hedges, that "efficiency is letting some one else run your business as they want to at your expense." Efficiency, like the word liberty, has been overworked by impostors.

Civil service commissions were heralded as agencies that would usher in the millennium of

efficient governmental service, but the result of their work has been quite largely to fasten upon the payroll hundreds of employes who contribute little to the public service and many of whom are guilty of indifference and insubordination. Those who have rendered good service would have done so without the protection of a civil service commission. These commissions may well be defined as plagues on the body politic which disseminate the germ that produces the tired feeling.

During the first forty years of this *republic*, when there were no civil service commissions, public-service appointees (except those with specified limit of tenure) were retained during good behavior. So rarely were they removed that there was a total of less than one hundred changes during the forty years prior to the administration of Andrew Jackson. He was inoculated with the spirit of democracy and the characteristics of the demagogue. So slight was his conception of the plan and purpose of the *republic* that he arbitrarily dismissed hundreds of faithful, well equipped public-service appointees and replaced them with his personal followers without regard to fitness or the public welfare.

The executive and the members of the legislative body, who are held responsible for the quality of public service during their term of

office, should have the power to designate who the public-service employes should be. Therefore the people should exercise the greatest care in selecting those who shall have the appointive power.

In our great industrial institutions it does not follow that a change of administration is followed by a wholesale dismissal of the employes of those institutions. On the contrary, comparatively few changes occur. It is interesting to note how closely the *republic* corresponds in operation to the corporation. In a corporation there are an executive and a board of directors, who, working together, have all power of appointment, all power of making regulations and all power of financing.

The great proportion of our ablest men during recent years have entered the business world, where they have been more or less indifferent to the affairs of government. This great crisis, however, has aroused them to splendid coöperation, and they are now thinking about patriotism and public service.

I would like to ask the business men what would happen to their institutions if, instead of sending out salesmen with a definite purpose of selling goods, they should send out, to visit their customers, commissions without any definite pur-

pose, who nevertheless were guaranteed large salaries and liberal expense accounts.

Would it be wise for business men to submit to the popular vote of the men in the factory the question as to whether or not an additional building should be added to the plant?

What would happen if they made it a custom, after the appointment of a master mechanic or head of a department, to take a referendum vote of the employes and the stockholders as to whether or not he should retain his position?

There has been a disposition on the part of a large percentage of employes to encourage departures from the *republic*; to try to coerce candidates into making pledges before election; to try to influence legislation by threatening to throw the union vote against a representative who is trying to be fair in the enactment of laws.

Any effort toward class legislation or class division is an appeal to passion, prejudice or cupidity. It is the work of demagogues, be they labor leaders, politicians or so-called social-justice reformers. The spirit of a *republic* is to recognize the equality of all before the law.

Unions have a right to organize and fix a scale of wages, and my sympathy is with them, so long as they do not molest the rights of persons or the rights of property, but they have no right

to destroy property or to do bodily harm to prevent individuals from working where they please, when they please, and for what they please.

Much credit for increasing wages has been given labor leaders and unions which they do not deserve.

The price of eggs has advanced as rapidly as wages have increased, but the hens have no unions. The prices of milk, butter and cheese have advanced as rapidly as wages have increased, but the milch cows have no unions. The price of clothing has advanced as rapidly as wages have increased, but cotton and wool have no unions. We have simply lessened the purchasing power of the dollar through the inflation of values. The law of supply and demand is sure to work, because it was divinely made, and it is as certain as the law of gravitation, the law of growth or the law of life.

Employes should remember that the *republic* was the first form of government that gave labor a chance. The worst year for labor in the United States was better than the best year for labor in any other country in the history of the world. The *republic* was the first form of government that made it possible for the section hand to become president of a railroad, a clerk to become president of a bank, a farm boy to become Gov-

error of his State, a rail-splitter to become President of the *republic*; not because he was a clerk, a section hand, a farm boy or a rail-splitter, but because he developed body, mind and character sufficient to make him worthy of such responsibility.

All employes in this country, for their own sake and the good of posterity, should uphold the rights of person and the rights of property as sacred.

Women who are taking on the added duties of citizenship should be the last to encourage departures from the *republic*. As one who has consistently championed the cause of equal suffrage for twenty-four years and did it fearlessly when it was less popular than now, I have been chagrined during recent years at the manner in which some women have urged dangerous experiments and applauded the fallacies of the flattering demagogue. Women should remember that the *republic* was the first form of government under which they were permitted to enter colleges and universities and enjoy the rights of property and the rights of person.

Excessive and foolish legislation will not bring the millennium, nor can the government successfully assume the functions of the home, the school or the church. Women should be less

active in mischievous agitation and strive for a better understanding of the Constitution, the meaning of a *republic* and the purposes of the founders of this government.

I would like to ask the educators in our colleges and universities a few questions.

Would it be wise for the president and trustees, after they had appointed the heads of departments and the members of the faculty, to call in a dictator or a commission to determine what courses of study should be pursued by the student body?

What effect would it have on discipline in the university if it were provided that the student body could take a referendum vote to determine the question as to whether or not a regularly appointed instructor should retain his position or be recalled?

Would it be advisable to allow the students to take up through the initiative the question of whether or not they should pay tuition?

What would be the result of such procedure in our educational institutions?

Consideration of these questions suggests analogies to what is happening in the administration of government through the appointment of boards and commissions, the initiative, referendum, recall, government ownership, socialistic

doctrines and anarchistic heresies — all dangerous weapons in the hands of demagogues for mischief-making.

Lincoln gave a very good definition of boards and commissions when he said: "*I think they are contrivances to cheat the government.*"

Socialism is that phase of democracy which negates property rights.

Anarchy is that phase of democracy which negates law.

The initiative is that phase of democracy which makes it possible for the infuriated mob, under the leadership of the demagogue, to enact legislation.

The referendum is that phase of democracy which assumes that the minority should rescind impulsively at a special election the deliberate action of the majority at a regular election.

The judicial recall is that phase of democracy which makes it possible to take a case from the courtroom, where it may be decided in accordance with the law and the evidence, to the street-corners, where the agitators may appeal to passion and prejudice.

Government ownership is that phase of democracy which assumes that government should not mind its own business.

We should at once abandon all of these dan-

gerous experiments by discharging every board and commission that has been created and by repealing all statutory enactments that have provided for the initiative, referendum and recall in any of the several States. We should avoid the dangers of socialism and anarchy and government ownership as perils that threaten to shake the very foundation of the *republic*.

The thought that I wish to make clear is that our national government has grown weaker, more inefficient, more ineffective, more chaotic and more wasteful of public money than it otherwise might have been, just in proportion as through the creation of boards, commissions, dictators, excess legislation, etc., we have departed from and failed to adhere strictly and literally to the *standard* form, the *golden mean*, the *republic*.

Our State governments are weaker, more inefficient, more ineffective, more chaotic and more wasteful of public funds than they otherwise might have been, just in proportion as they have failed to adopt the *standard* form or have failed to require that it be strictly and literally adhered to, instead of putting statutory material into our State constitutions providing for the election of officials other than the executive and members of the legislative body, appointing boards and

commissions, and creating other agencies that merely result in increasing expenses and confusing governmental procedure.

Our county and city governments are weaker, more inefficient, more ineffective, more chaotic and more wasteful of public funds than they otherwise might have been, just in proportion as the State governments have failed to provide for them the *standard* form and to require that it be strictly and literally adhered to.

All foreign governments are weaker, more inefficient, more ineffective, more chaotic and more wasteful of public funds than they otherwise might have been, just in proportion as they have failed to comprehend and adapt the *standard* form to their governments and to require that it be strictly and literally adhered to.

All minor political divisions of all foreign countries are weaker, more inefficient, more ineffective, more chaotic and more wasteful of public funds than they otherwise might have been, just in proportion as foreign governments have failed to provide the *standard* form and to require that it be strictly and literally adhered to.

Unfortunately, a very large proportion of our public officials during the past twenty-five years have been demagogues who have had little concept of the meaning of a *republic*. They have substi-

tuted personality for principle, preachments for practice, pretense for performance, agitation for achievement, invective for ingenuity, experiment for execution, rashness for restraint, rhetoric for results, and coercion for the Constitution.

Why not open our eyes to these self-evident truths, stop electing demagogues to public office and avoid the quicksands, whirlpools and precipices of dangerous experiments?

CHAPTER VII

THE SHORT BALLOT

THE only way to secure the short ballot is to make the ballot short. The Constitution provided for a short ballot. The *republic* itself is the short-ballot plan.

The short ballot necessitates divesting the form of government of all elective officials other than the executive and members of the legislative body and abandoning all forms of the initiative, referendum and recall.

Nearly all of the short-ballot proclaimers are rabid advocates of all manner of propaganda that makes the ballot long. At a so-called national convention held recently at the Sherman House in Chicago for the ostensible purpose of organizing a new political party, the self-appointed delegates of that convention resolved in favor of the short ballot and in the next breath declared in favor of the initiative, referendum and recall. Their conduct was about as consistent as it would be for delegates to a prohibition convention to shout for temperance and then guzzle whiskey between shouts.

We have four types of government in this country: national, State, county and city. Each has separate and distinct functions to perform, and yet we are in a constant turmoil of confusion because we do not consider them one at a time and also make each type adhere strictly to the *standard* form. We carry on national, State, county and city elections at one and the same time, so that the issues are confused and candidates for local office are carried through on the national ticket regardless of fitness or standing on local questions.

It is high time that we should undertake the adoption of a clear, concise, comprehensive and constructive plan that would make for economy of energy and expense; for real efficiency in service and administration; for effectiveness in expressing the will of the people and securing results that mean real progress.

The following plan, if carried out, would accomplish that and secure the short ballot:

Separate the affairs of nation, State, county and city and consider one type of government each year.

Fix a time for holding one primary and one election each year, as indicated in the outline which is here presented:

PRIMARY DAY

1920—Hold primaries of all parties to select nominees for President and members of the National Congress. The nominees to be delegates without contest to the national convention.

1921—Hold primaries of all parties to select nominees for Governor and members of the State legislature. The nominees to be delegates without contest to the state convention.

1922—Hold primaries of all parties to select nominees for President and members of the County Board. The nominees to be delegates without contest to the county convention.

1923—Hold primaries of all parties to select nominees for Mayor and members of the City Council. The nominees to be delegates without contest to the city convention.

ELECTION DAY

1920—Hold national election to elect a President and members of the National Congress who shall have power to appoint all other public officials of the national government.

1921—Hold State election to elect a Governor and members of the State legislature who shall have power to appoint all other public officials of the State government.

1922—Hold county election to elect President and members of the County Board, who shall have power to appoint all other public officials of the county government.

1923—Hold city election to elect Mayor and members of the City Council, who shall have power to appoint all other public officials of the city government.

Note.—The candidate receiving the next largest vote for President at the national primaries should be the nominee for Vice-President and go as a delegate to the national convention. The candidate receiving the next largest vote for Governor at the State primaries should be the nominee for Lieutenant Governor and go as a delegate to the State convention.

If it seemed advisable to limit the term of members of the lower house in the National Congress and the State legislatures to two years, arrangement could be made to have them run with the county and city tickets. This would require the elector to consider one additional name at the county and city primaries and elections beyond those provided for in the preceding plan.

The reason for making the nominees at the various primaries the delegates to the convention as indicated in the plan is that they should write the platform of the party, because in the event of their election it is they who assume the responsibility of carrying out the platform of their party.

Why should we elect irresponsible delegates to go to the convention and write a platform which they have no power to carry out? It simply confuses governmental machinery, increases expense and shifts responsibility to where it does not belong. The proper course is to make the nominees of the national primaries the delegates to the national convention; the nominees of the State primaries the delegates to the State convention; the nominees of the county primaries the delegates to the county convention; the nominees of the city primaries the delegates to the city convention; and permit them to write the

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platform upon which they will make their campaign for election and which they would be pledged to carry out in the event of their election.

Under this plan the elector would not be required to vote on more than three or four names at the national, State, county or city primaries and elections.

No other public officials should be elected. All other officials should be appointed on the basis of efficiency by the various national, State, county and city officers chosen by the people to represent them.

In order to obtain the short ballot we must cease electing public officials that should be selected by appointment, and stop submitting proposals to popular vote that should be determined by the legislative body.

The most efficient way of conducting business on a large scale has been found to be through a corporation managed by an executive and deliberative body, chosen by the stockholders, with power to appoint heads of departments and their subordinates on the basis of efficiency, and with power of removal when advisable for the good of the service.

Each of the four types of government, national, State, county and city, is a corporation for

public service, and the *standard* form provides for the nomination and election of an executive and legislative body by the people, these officers to be given full power of appointment and of removal and to be held responsible for the quality of public service just as the elective officers of private corporations are held responsible to the stockholders for quality in private service.

This plan gives the people the power of selecting nominees, who should also be delegates to the convention, and fixes the responsibility and authority of these delegates. It also eliminates almost entirely the danger of bossism and corruption so prevalent in present-day conventions.

The plan makes possible a calm and deliberate discussion of issues pertaining to the four types of government. It would also tend toward the development of more competent men to serve in both elective and appointive positions, and furthermore it would aid in developing specialists.

Under this plan the children in our public schools could study with understanding, not only the form of our government, but also the machinery for making it work successively, because the plan is not only clear, concise, comprehensive and constructive, but it is so simple that any one can understand it and our youth could be fully

equipped for the duties of citizenship when they become of age.

Our colleges and universities could teach their students the meaning of a *republic* and how to administer government in accordance with the plan of a *republic*, and equip students who have a taste for public service with information that would make them useful instead of cramming their heads with unsound theories and impractical suggestions which give them no concept of what a *republic* is or of its plan of government. The graduates of our State universities receive sixteen years' education at the expense of the State, and for that they owe the public, which pays the bill, at least the return of intelligent and effective citizenship.

If this plan were adopted foreigners who come to this country would gain a clearer conception of the genius of our government in four years than they now acquire, in the present mixed state of affairs, in twenty years.

At this time, too, when women are taking on the added duties of citizenship, they could give much better coöperation if the machinery of government were simplified and clarified.

This plan would save millions of dollars annually to the taxpayers, to say nothing of the millions it would save to the public officials, who are

now required to make campaigns for elections, and who should be selected by appointment.

It would stimulate and clarify the work of our government and make for real progress in the solution of many of our most complex problems.

It would assure the preservation of this *republic*, based upon the Constitution, and maintain the judiciary unimpaired at this time when we are threatened with mobocracy and recall.

It would meet the demand of the most radical short-ballot advocates and simplify to the point of efficiency and effectiveness the vote cast by an elector.

It would give us the Short Ballot.

CHAPTER VIII

ORGANIZATION

ORGANIZATION is the best method whereby concentration of thought, singleness of purpose and unity of action may be secured for the accomplishment of desired results.

There is no field of activity in which desired results are of greater importance than in politics. Freeman once said: "History is past politics, and politics is present history." This truism is worthy of serious thought.

Have you ever stopped to think that when you step to the faucet in the morning to turn on the water, the water is there as a result of politics; that the quality and condition of the streets and sidewalks on which you travel is determined through politics; that the quality of sewerage and garbage service is determined through politics; that the quality of the police and fire protection is determined through politics; that public-school houses are built through politics; that the teachers and other school officials are selected through politics; that the courthouses are built through poli-

tics; that the judge and jury and other court officials are selected through politics; that our postoffices are built or leased through politics; that the postmasters, mail carriers and other postal officials are selected through politics; that the amount of taxes that you pay and the method of their expenditure are determined through politics; that the question of peace or war is determined through politics? So the enumeration might be continued indefinitely.

Whether we will or no, we are bound up in the very warp and woof of politics. We cannot escape it and we cannot take these things out of politics. These services touch our comforts, our necessities, our luxuries, and the very protection of our lives. It behooves all citizens, therefore, to be awakened to a keen realization of their obligation and be vigilant in the selection of officials who in a representative capacity assume the responsibility of conducting public affairs. It is also important that these officials work through the best possible organization. The *republic*, which is based upon four elements, provides the best possible medium for such an organization.

I do not know that there is magic in the figure four, but it has played a great part in civilization. After the earth was created, four kingdoms were provided: the human, animal, vegetable and

mineral. Four seasons of the year seemed necessary: spring, summer, autumn and winter. There are four directions: north, south, east and west. Any direction can be described with these four words. In mathematics it is necessary to compute four ways: addition, subtraction, multiplication and division. The problem of transportation is worked out on four-wheeled vehicles. The animals that travel swiftly and carry great burdens rest upon four legs. We have four institutions: the home, the school, the church and the government. The founders of the *republic* organized a government that rests upon four elements, and it stood four-square to all the world. They also provided for four types of government: national, State, county and city.

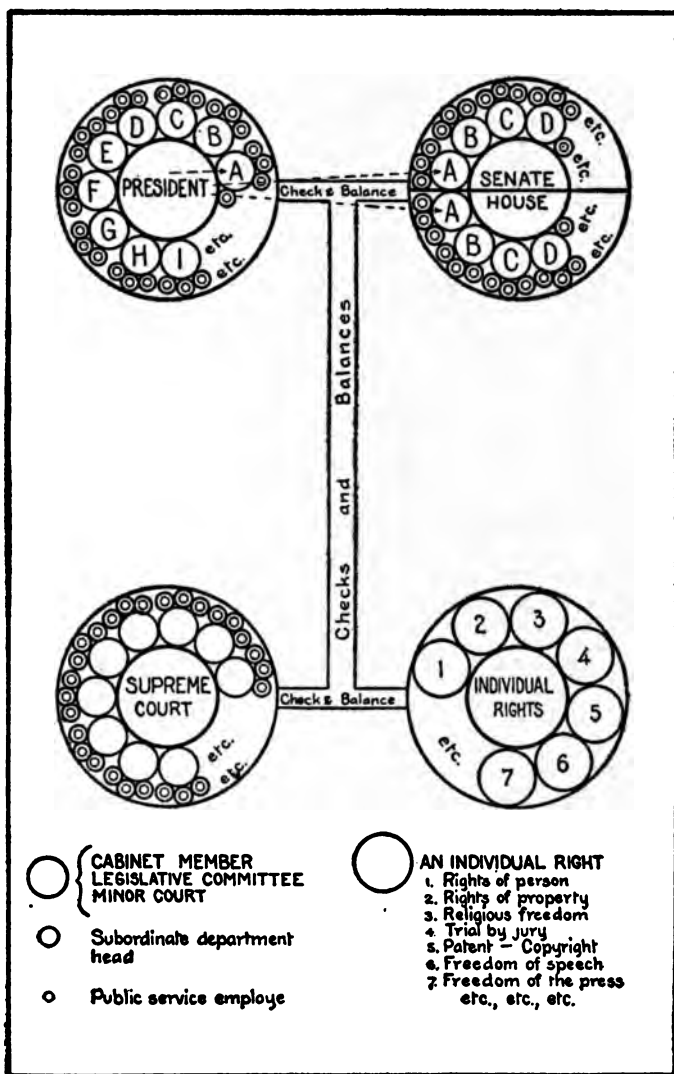
NATIONAL GOVERNMENT

The diagram shown on page 101 is an illustration of the national government at work, organized as planned by the Constitution.

The Constitution provides that the executive, with the concurrence of the legislative body, should appoint heads of departments and their subordinates to cover the various fields of activity within the realm of national government. The heads of departments constitute the Cabinet. It was contemplated that committees would be ap-

pointed in the Senate and in the House to correspond to and coöperate with the various Cabinet departments as follows: The committees on international affairs in the Senate and House to correspond to and coöperate with the Secretary of State in the Cabinet; the committees on naval affairs, with the Secretary of the Navy; the committees on military affairs, with the Secretary of War; the committees of way and means, with the Secretary of the Treasury; the committees on public lands, with the Secretary of the Interior; the committees on agriculture, with the Secretary of Agriculture; the committees on commerce, with the Secretary of Commerce; the committees on labor with the Secretary of Labor; the committees on judiciary, with the Department of Justice; the committees on postal affairs with the Postoffice Department.

It was contemplated that the President would select the best qualified men available for the Cabinet positions, and that the Senate and the House would appoint on the various committees the men who had the best training, knowledge and natural ability to be of service on those committees. Then, when an important matter arose which had to be dealt with, it was contemplated that the President would confer with the Cabinet member whose department covered that field



NATIONAL GOVERNMENT ORGANIZED AS A REPUBLIC

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of activity, and also with the chairmen of the committees in the House and Senate that should coöperate with that Cabinet department.

To illustrate from the diagram, the Secretary of State is designated as "A" in the executive department, and the committees in the House and Senate on international affairs are designated as "A," the lines connecting them illustrating the relation that exists between the executive and legislative departments. If a question concerning the Orient should arise in international affairs, the plan of the *republic*, strictly adhered to, contemplates that the President shall call into his presence the Secretary of State and the chairmen of the committees on international affairs in the Senate and House for deliberation, and they shall constitute the governmental agency to deal with that question.

Different portions of the world would doubtless be assigned to various assistants in the Department of State for study and expert knowledge, and likewise different portions of the world would be assigned to various members of the committees on international affairs in the Senate and House for study and expert knowledge. Should it develop at the conference that one or more of the assistants in the Department of State had special knowledge pertaining to the

Orient, and some member of the committee on international affairs in the House or Senate, other than the chairman, had special knowledge pertaining to the Orient, then they, too, would be invited into the conference. When a course of action had been determined upon as a result of the conference, the work of execution would be carried on through the regularly constituted channels of a *republic* provided for by the Constitution.

In the same manner, if a question of food arose, it would be handled in a similar way through the Department of Agriculture and the committees on agriculture in the Senate and House. In like manner other problems would be handled through the various Cabinet departments and various committees in the House and Senate.

That is exactly the course pursued by George Washington in the conduct of his work as executive of the *republic*.

That is exactly the course pursued by Abraham Lincoln in his conduct of the Civil War and of other domestic and international problems which arose during his administration.

That is exactly the course pursued by William McKinley in his conduct of the Spanish-American war and of other domestic and international

problems which arose during his administration, and on the work of each history has rendered the verdict: "Well done, thou good and faithful servant."

It was never contemplated by the men who wrote the Constitution and founded this *republic* that individuals, boards and commissions should be called in hastily and promiscuously, from the outside, and assigned dictatorial and autocratic power on momentous undertakings. Such a course usurps the proper jurisdiction of regularly appointed heads of Cabinet departments and regularly elected members of the legislative body.

It would seem that modern business men, with their marvelous capacity for achieving desired results effectively, would readily see the tremendous importance of this method of administration, for it is the way they have built up the great institutions of this country.

In a *republic* the important function of the executive is to appoint capable and well fitted men for the governmental positions and to make recommendations to Congress. When the executive makes wise appointments, his success is well nigh assured.

The important function of the legislative body is to enact wise laws and make judicious expen-

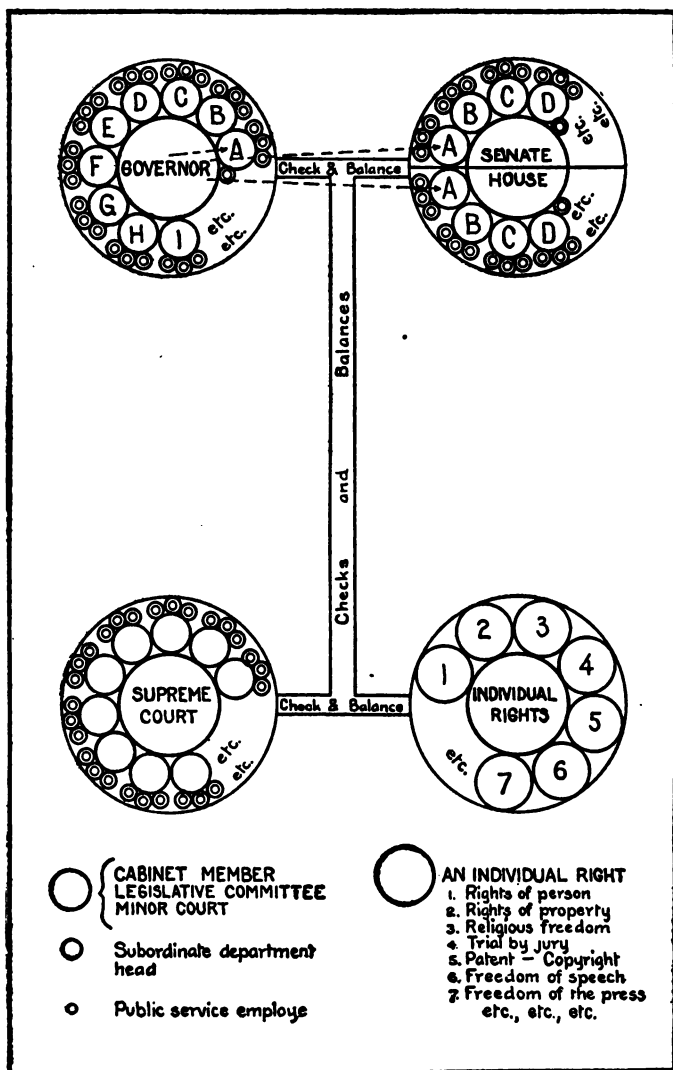
ditures. Congress enacts very many more laws than it should and spends much more money than is necessary to secure better service than we now have.

The important function of the judiciary is to render sound decisions which should be stated clearly and limited to the question at issue. We have too many courts, too much litigation, and far too many reports.

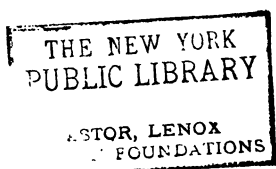
The important function of individual rights is to stand guard day and night to prevent the government or any person or group of persons from trespassing upon the inherent rights guaranteed by the Constitution to every individual under its protection.

STATE GOVERNMENT

The diagram on the opposite page is an illustration of the State government organized as it should work under the guaranty of the Constitution. Section 4, article 4 of the Constitution guarantees to every State in the Union a republican form of government. It was contemplated that the Governor and legislative body would appoint heads of departments and their subordinates to cover the various fields of activity within the realm of State government. The heads of departments should be called the Governor's



A STATE GOVERNMENT ORGANIZED AS A REPUBLIC



cabinet. Committees should be appointed in the legislative body to correspond to and coöperate with the various cabinet departments; the committees on education in the Senate and House to correspond to and coöperate with the Director of Education; the committees on ways and means to correspond to and coöperate with the Director of Finance; the committees on agriculture to correspond to and coöperate with the Director of Agriculture; the committees on commerce to correspond to and coöperate with the Director of Commerce, etc.

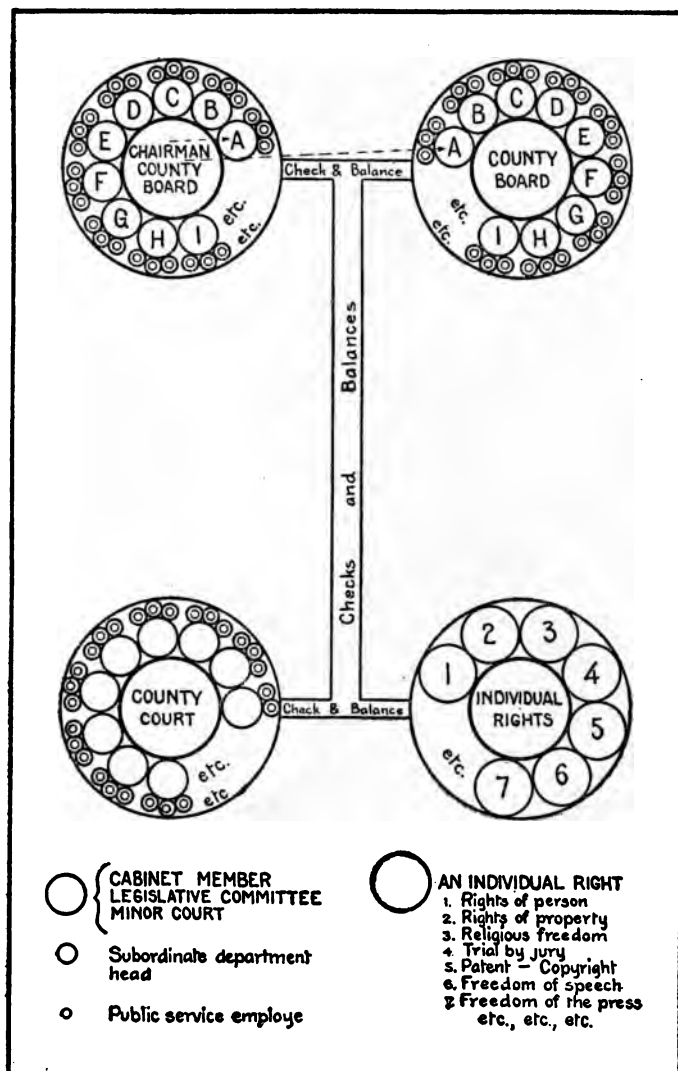
The Governor should select the best qualified persons available for cabinet positions, and the Senate and House should appoint on the various committees those who have the best training, knowledge and natural ability to be of service on those committees.

Should an important question arise in the State government, the Governor should confer with the cabinet member whose department covered that field of activity, and also with the chairmen of the committees in the House and Senate that correspond to and coöperate with that department.

To illustrate from the diagram, the Director of Education is designated as "A" in the executive department. The committees in the House

and Senate are designated as "A" in the legislative department. The lines connecting them illustrate the relation existing between the executive and legislative departments. If an important question arose in the State in regard to education, the Governor should call in to his presence the Director of Education and the chairmen of the committees on education in the House and Senate, and they would constitute the governmental agency to treat with that question. If it developed that one of the assistants in the department of education was especially conversant with that particular question and some member of a committee in the Senate or House other than the chairman was especially conversant with the question under consideration, they too should be called into the conference. Then, with a course of action determined upon, the work of execution should be carried on through the regularly constituted channels provided for in a State organized as a *republic* under its constitutional guaranty.

This course should be pursued in treating other questions pertaining to the other departments and legislative committees. It would be a great improvement on the present chaotic, wasteful, unbusinesslike method of conducting the various State governments.



A COUNTY GOVERNMENT ORGANIZED AS A REPUBLIC

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Our State legislatures enact many times as much legislation as they should. We should insist that they begin at once to repeal, to simplify, to clarify and to codify the heterogeneous mass of State statutes so that our revised statutes in the various States could be written in about one-tenth as many words. It would save valuable time, needless expense, fruitless litigation, and make for a clearer understanding of the laws. An effort should also be made to make the laws of the several States more uniform. The State governments spend much more money and employ much more help than is necessary in order to give much better service than they are now rendering.

The State government organized and conducted as a *republic* would eliminate all boards, commissions and other governmental agencies that are injurious to good service.

It is a grave question whether or not the bicameral system is advisable for State legislatures.

COUNTY GOVERNMENT

The diagram on page 111 is an illustration of the county government at work, organized as a *republic*, as all counties in the United States of America should be organized.

The President of the County Board and the

County Commissioners should appoint all other county officials.

The President of the County Board should select the best qualified persons available for cabinet positions and the County Board should appoint on the various committees those who have the best training, knowledge and natural ability to be of service on those committees. The same plan outlined for conducting the national and State governments by the executive and legislative branches should be followed in the county government.

The counties have more courts, much more litigation, much more help, much more expense, and use much more time and energy than is necessary to give far better public service than is now given by county governments.

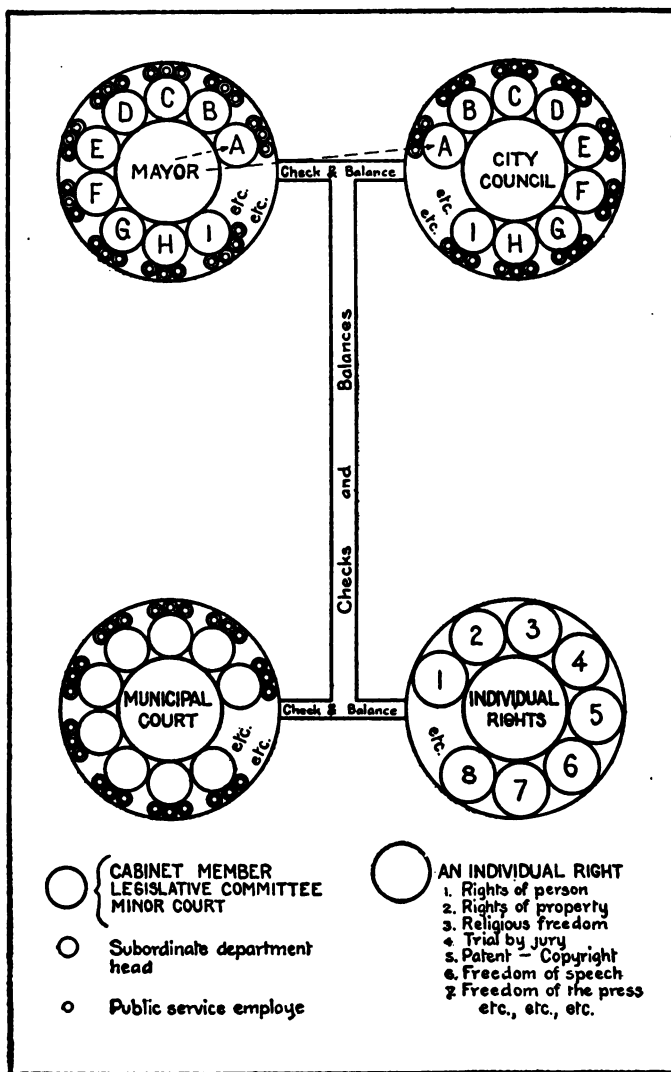
CITY GOVERNMENT

The accompanying diagram is an illustration of the city government at work, organized as a *republic*, as all cities in the United States of America should be organized.

The Mayor and the City Council should appoint all other city officials.

The Mayor should select the best qualified persons available for cabinet positions, and the City Council should appoint on the various com-





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mittees those who have the best training, knowledge and natural ability to be of service on those committees. The same plan as outlined for conducting the national and State governments by the executive and legislative branches should be followed in the city government.

City councils pass many more ordinances than they should. City governments spend much more money and employ much more help than is necessary to give much better service than is now rendered by city governments.

CHAPTER IX

A WORLD REPUBLIC

PROBLEMS in mathematics cannot be solved without first establishing the unit and then utilizing the four methods of addition, subtraction, multiplication and division. Just so you must have the *standard* form and the four elements of the *republic* to solve governmental problems.

You cannot construct a building without first providing the foundation and then erecting the four walls. The foundation corresponds in importance to the *standard* form, and the four walls of the building to the four elements of a *republic*.

The basis of the solar system is a *standard* form of planet, which is the sphere. From the mightiest suns to the smallest planets they are all spheres. The executive power keeps them in motion. The legislative power defines their courses. The judicial power holds them to their courses through the law of gravitation, and each sphere is guaranteed the inherent individual

rights of space in which to rotate and freedom from collision with other suns or planets. The solar system is organized as a sphere of the related spheres of the universe.

We cannot have a world *republic* until we have a universal *standard* form of government, and when a world *republic* comes it will be the *republic* of the united *republics* of the world.

As soon as the world grasps the full meaning of the *republic* as a form of government its universal adoption will be as natural as the universal adoption of the other *standards* referred to in Chapter IV.

The institution of monogamous marriage was first evolved in some country, and when the world recognized that it was better than either polygamy or promiscuity, it met with almost universal adoption. The clock was first evolved in some country, and when the world recognized it as the best method of telling and recording time, it met with universal adoption. And likewise with the golden rule, the ten digits, the *standards* of weights and measures, etc.

It is to our everlasting glory that the *republic* was evolved in this country, and it is our supreme privilege and sacred duty to maintain it unimpaired and to spread the gospel of its sterling worth to all other nations of the world.

If the people of the United States of America should begin at once to adhere strictly and literally to the *republic* as the *standard* form of government in nation, State, county and city, we would then be in a position to give a clear, definite and constructive message to all countries of the world as follows:

We recommend that you substitute a *republic* for the form of government that you now have; not in the spirit of force, or threat, or hate, or revenge, or dictation, but rather in the spirit of Christ upon the cross when he said: "Father, forgive them, for they know not what they do," or in the spirit of Lincoln during the dark hours of the *republic* when he said to those who would destroy it: "We are not enemies, but friends; we must not be enemies; though passion may have strained, it must not break the bonds of affection. . . . With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on . . . to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations."

Alfred Tennyson had the great vision of a time when

"the war drums throb no longer
And the battle flags are furl'd,
In the parliament of man,
The federation of the world."

But he did not realize that the *republic* was the medium through which this inspired dream could come true.

For years a major portion of the people of the world have been ready for international peace, but no plan has been evolved for its successful achievement. The serious obstacle has been the difficulty of harmonizing the numerous and varied types of government into a great single purpose.

We have tried to solve the problem without first establishing the unit.

We have tried to build a world movement without first laying the foundation.

We have tried to unite governments without first having a *standard* form that would make them work in harmony.

A movement should be started at once to organize the world into from sixteen to twenty-five federal *republics*. There should be:

The *republic* of the United States of America,

The *republic* of the United States of G r e a t Britain,

The *republic* of the United States of Germany,

The *republic* of the United States of France,

The *republic* of the United States of Austria,

The *republic* of the United States of Russia,

The *republic* of the United States of Italy,

The *republic* of the United States of Scandinavia,

The *republic* of the United States of Spain,

The *republic* of the United States of Greece,

The *republic* of the United States of China,

The *republic* of the United States of Japan,

The *republic* of the United States of South America,

The *republic* of the United States of Asia,

The *republic* of the United States of Africa,
and several others.

This would make possible the solution of the Home Rule question in Ireland because it would make Ireland a sovereign state of the United States of Great Britain just as Illinois is a sovereign State of the United States of America. It might solve the Alsace-Lorraine problem by making a portion of it a sovereign state of the United States of France and a portion of it a sovereign state of the United States of Germany. It would furnish the key to the solution of a number of difficult problems in the Balkans and in other territory that must soon come under grave consideration in working out the complex international situation.

All states and minor political divisions of the federal *republics* should be organized as *republics*.

With the governments of the world organized as *republics*, a constitutional convention composed of representatives of the various *republics* could be called. A world constitution could be framed that would provide (1) for a world executive and define his qualifications and powers, (2) for a world legislative body and define its qualifications and powers, (3) for a world judiciary and define its qualifications and powers, and (4) for certain inherent international rights.

A world *republic* could then be organized rather simply and almost automatically as follows: Provide (1) that an ex-president of one of the *republics* would be the world executive; (2) that the vice-presidents of the various *republics* would be the world legislative body (this would give them something to do and would encourage a more careful selection of vice-presidents); (3) that when an international controversy arose, one member of the supreme court from each *republic* not directly interested in the controversy would sit as the court to determine the rights of the *republics* in controversy, and (4) that the inherent international rights could be enforced through those three branches of the world *republic*.

CHAPTER X

CONCLUSION

I HAVE striven to make clear the meaning of the words "autocracy," "democracy" and "*republic*," and have urged the importance of avoiding the extremes of either autocracy or democracy and the vital need of adhering strictly and literally to the *republic*.

If you have read this book carefully and are still in doubt as to the meaning of those three words, I beg of you to read the works of Alexander Hamilton, the words of George Washington, the teachings of James Madison, the decisions of John Marshall, the debates of Daniel Webster, the utterances of Abraham Lincoln, the addresses of William McKinley, and the Constitution of the United States, and study the laws of nature. You will then reach the conclusions set forth in this book.

When you understand clearly the meaning of the words "autocracy," "democracy" and "*republic*," you will favor the *republic* as the best form of government. It should then be your solemn

duty as well as your high privilege to exert every effort and utilize every legitimate influence to assure a *republic* as the form of government under which you live.

If you live in the United States of America, you can do this most effectively by working for the election of executives and members of the legislative bodies, in nation, State, county and city, who understand the meaning of a *republic* and who will conduct the government in accordance with the plan of a *republic*.

If you live in some other country, you should work for the adoption of a constitution that will provide for the four elements which make possible the founding of a *republic* in lieu of the form of government which now prevails.

"Back to the *republic*" should be the watchword of every patriot in this country, and "Forward to the *republic*" should be the keynote of every patriot in each of the other countries of the world.

The people of this country for their own good should get "back to the *republic*" as soon as possible, and the people of each of the other countries, for their own good, should move forward to a *republic* as rapidly as possible.

The sooner we get "back to the *republic*" in this country and the people of each of the other

countries move forward to a *republic*, the sooner retrogression will end and progress begin.

The world conflagration makes this the supreme hour when all true patriots should examine their political compass, get their bearings, know where they stand and anchor to the *republic*.

The *republic* is the key to the solution of this awful, this tragic international crisis.

"In medio tutissimus ibis."

"You will go safest in a middle course."

"Ἀριστον μέτρον."

"The medium is best."

APPENDIX

The Constitution of the United States



The Constitution of the United States

PREAMBLE

WE, THE PEOPLE of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

THE LEGISLATIVE BODY

Congress: Its Composition and Powers

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The House of Representatives

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. [This clause was partly superseded by the Fourteenth Amendment.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The Senate

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in conse-

quence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, never-

theless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Election of Senators and Representatives

Sec. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Organization and Rules of Senate and House

Sec. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than

three days, nor to any other place than that in which the two houses shall be sitting.

Pay and Privileges of Senators and Representatives

Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Methods of Legislation

Sec. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to

the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers Vested in Congress

Sec. 8. The Congress shall have power:

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defenses and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United

States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.

Limitations of Federal Powers—Individual Rights

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time.

No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince or foreign state.

Limitations of State Powers

Sec. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

THE EXECUTIVE

The Presidency—The Electoral College

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with

the Vice-President, chosen for the same term, be elected, as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person

having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office

* This paragraph was in force from 1788 to 1803, when it was superseded by Article XII of the amendments.

of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

Powers and Duties of the President

Sec. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may acquire the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions which will expire at the end of their next session.

The President's Duties

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to

their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Impeachment of Executive and Civil Officers

Sec. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

THE JUDICIARY

The United States Courts—Supreme and Inferior

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Jurisdiction of the Federal Courts

Sec. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all

cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; [between a State and citizens of another State*]; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason and its Punishment

Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

* Made void by the Eleventh Amendment.

ARTICLE IV

RELATION OF THE STATE AND FEDERAL GOVERNMENTS

Recognition of State Acts and Records

Section 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Regarding Citizens of the States

Sec. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Admission of New States, etc.

Sec. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and

nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Republican Government Guaranteed

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V

AMENDMENTS TO THE CONSTITUTION

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

SUPREME LAW—OFFICIAL OATH—NO RELIGIOUS TEST

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against

the United States under this Constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

RATIFICATION OF THE CONSTITUTION

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON, Deputy from Virginia.

New Hampshire:

John Langdon

Nicholas Gilman

Massachusetts:

Nathaniel Gorham

Rufus King

Connecticut:

William Samuel Johnson

Roger Sherman

New York:

Alexander Hamilton

Delaware:

George Reed

Gunning Bedford, Jr.

John Dickinson

Richard Bassett

Jacob Broom

Maryland:

James McHenry

Daniel of St. Thomas

Jenifer

Daniel Carroll

Virginia:

John Blair

James Madison, Jr.

New Jersey:

William Livingston

David Brearley

William Paterson

Jonathan Dayton

Pennsylvania:

Benjamin Franklin

Thomas Mifflin

Robert Morris

George Clymer

Thomas Fitzsimmons

James Wilson

Gouverneur Morris

North Carolina:

William Blount

Richard Dobbs Spaight

Hugh Williamson

South Carolina:

John Rutledge

Charles Pinckney

Charles Cotesworth

Pinckney

Pierce Butler

Georgia:

William Few

Abraham Baldwin

Attest: WILLIAM JACKSON, Secretary.

Amendments to the Constitution

ARTICLES in addition to or amending the Constitution, proposed by Congress, and ratified by the legislatures of at least two-thirds of the several States in accordance with the fifth article of the original Constitution. They relate largely to *individual rights* and are as follows:

ARTICLE I

FREEDOM OF RELIGION, OF SPEECH, OF THE PRESS, AND OF PEACEABLE ASSEMBLY

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

RIGHT TO BEAR ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

QUARTERING OF TROOPS

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE IV

RIGHT OF SEARCH

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches

and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

CAPITAL CRIME—GRAND JURY—PERSONAL RIGHTS

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

RIGHTS OF ACCUSED—TRIAL BY JURY

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

TRIAL BY JURY IN CIVIL SUITS

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall

be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

ARTICLE VIII

BAIL AND FINES

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

RESERVATION OF INDIVIDUAL RIGHTS

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

RESERVATION OF STATE AND CIVIL RIGHTS

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[The first ten amendatory articles were proposed by the First Congress, September 25, 1789, and notification of their ratification was received from all the States except Connecticut, Georgia and Massachusetts.]

ARTICLE XI

LIMITATION OF JUDICIAL POWERS

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

[Proposed by the Third Congress, and Congress notified of its adoption January 8, 1798.]

ARTICLE XII

ELECTORS IN PRESIDENTIAL ELECTIONS

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability

of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[Proclaimed September 25, 1804.]

ARTICLE XIII

ABOLITION OF SLAVERY

Slavery and Involuntary Servitude Prohibited

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

[Proclaimed December 18, 1865.]

ARTICLE XIV

PROVISIONS CONSEQUENT ON THE CIVIL WAR

Protection for All Citizens

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any per-

son of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive or judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Rebellion Against the United States

Sec. 3. No person shall be a Senator, or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

The Public Debt

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

[Declared adopted by concurrent resolution of Congress July 21, 1868.]

ARTICLE XV

RIGHT OF SUFFRAGE

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

[Proclaimed March 30, 1870.]

ARTICLE XVI

THE INCOME TAX

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

[Proclaimed February 25, 1913.]

ARTICLE XVII

ELECTION OF SENATORS BY THE PEOPLE

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

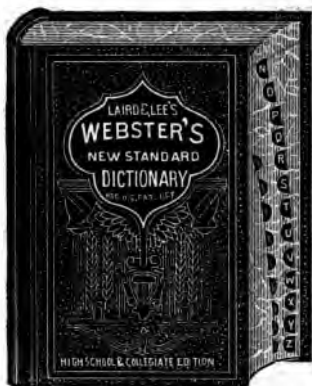
This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[Proclaimed May 31, 1913.]

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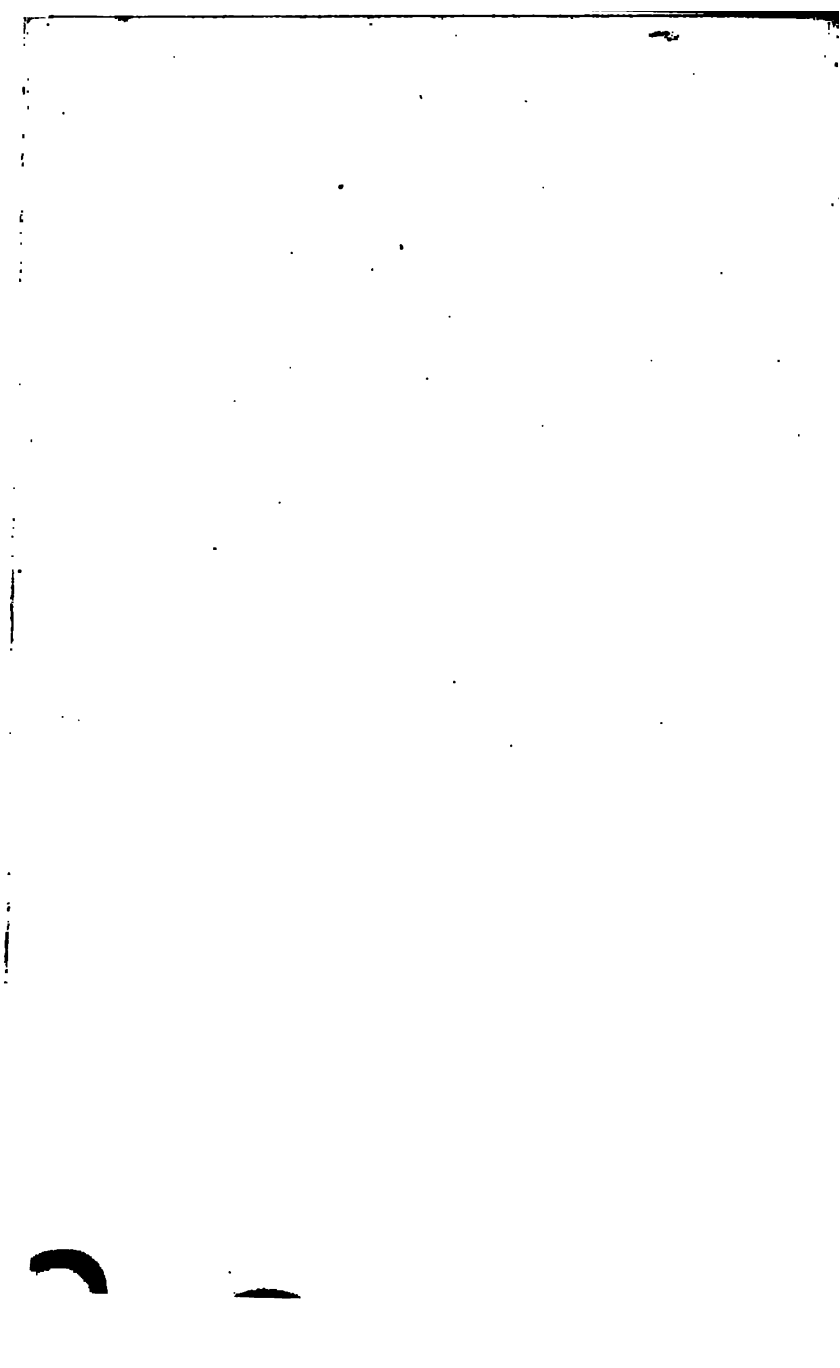
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